



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक

WEEKLY

सं. 9] नई दिल्ली, फरवरी 22—फरवरी 28, 2004, शनिवार/फाल्गुन 3—फाल्गुन 9, 1925
No. 9] NEW DELHI, FEBRUARY 22—FEBRUARY 28, 2004, SATURDAY/PHALGUNA 3—PHALGUNA 9, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके.
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

CABINET SECRETARIAT

1005-धर्ममंडल सचिवालय
E005-6-
नई दिल्ली, 16 फरवरी, 2004

New Delhi, the 16th February, 2004

का. आ. 437.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 282 पीसीआर 2003 दिनांक 08-01-2004 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्री रघुनाथन, उप-प्रबंधक, फाउंड्री एंड फोर्ज डिविजन, एच.ए.एल., बंगलौर और श्री के.ए. परमेश्वरन, भूतपूर्व कर्मचारी, बी.ई.एल. बंगलौर के विरुद्ध उनके कपटपूर्ण कृत्यों के लिए भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 7 और 9 के अधीन दंडनीय अपराधों और उक्त अपराधों से संबंधित अथवा संसक्त किन्हीं अन्य लोकसेवकों अथवा व्यक्तियों और उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

S. O. 437.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Karnataka, vide Notification No. HD 282 PCR 2003 dated 8-1-2004, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under Section 7 and 9 of Prevention of Corruption Act, 1988, against Shri Raghunathan, Deputy Manager, Foundry & Forge Division, HAL, Bangalore and Sri. K. A. Parameshwaran, an Ex-Employee of BEL, Bangalore for their fraudulent acts, and any other public servants or persons in relation to, or in connection with the said offences, and any other offences committed in the course of the same transaction or arising out of the same facts.

[सं. 228/11/2004-डी.एस.पी.ई.]

[No. 228/11/2004-DSPE]

शुभा ठाकुर, अवर सचिव

SHUBHA THAKUR, Under Secy.

(809)

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 30 जनवरी, 2004

स्टाम्प

का. आ. 438.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा भारतीय औद्योगिक विकास बैंक, मुम्बई को मात्र पांच करोड़ अठ्ठासी लाख चालीस हजार दो सौ पचास रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र पांच सौ अठ्ठासी करोड़ चालीस लाख पच्चीस हजार रुपये के समग्र मूल्य के प्रोमिसरी नोटों के रूप में वर्णित आईडीबीआई फ्लैक्सि बंधपत्र-19 (फिजिकल फॉर्म में 784691 बंधपत्र तथा डिमैट फॉर्म में 392114 बंधपत्र) पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 3/2004-स्टाम्प/फा. सं. 33/7/2004-बि.क.]

आर०जी० छाबड़ा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 30th January, 2004

Stamps

S. O. 438.—In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Industrial Development Bank of India, Mumbai to pay consolidated stamp duty of rupees five crore eighty eight lakh forty thousands two hundred fifty only chargeable on account of the stamp duty on bonds in the nature of promissory notes described as IDBI Flexibonds-19 (784691 bonds in physical form and 392114 bonds in the dematerialized form) aggregating to rupees five hundred eighty eight crore forty lakh twenty five thousand only, to be issued by the said Bank.

[No. 3/2004-STAMP/F. No. 33/7/2004-ST]

R.G. CHHABRA, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 12 फरवरी, 2004

(आयकर)

का. आ. 439.— सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके काम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की

उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संघ" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संघ ने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संघ प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संघ केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवा तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स कॉनवेस्ट जैन मेडिकल रिसर्च सोसायटी, 8/10, एस.वी. सोबानी पथ, निकदवारी लैन, कंडवादी, गिरगाँम, मुम्बई-400004	1-4-2001 से 31-3-2003

टिप्पणी :— अधिसूचित संघ को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियाँ सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 47/2004/फा.सं. 203/97/2003-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 12th February, 2004

(INCOME TAX)

S. O. 439.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period

mentioned below. for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" subject to the following conditions :—

- (i) The notified Association shall maintain separate books of accounts for its research activities:
- (ii) the notified Association shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year.
- (iii) The notified Association shall submit, on behalf of the Central Government, to (a) the Director General of Income-tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of section 35 of Income-tax Act, 1961 in addition to the return of Income-tax to the designated assessing officer.

Sl. No.	Name of the organisation approved	Period for which notification is effective
1.	M/s Conwest Jain Medical Research Society, 8/10, S.V. Sovani Path, Nikadwari Lane, Kandawadi Girgaum, Mumbai-400004.	1-4-2001 to 31-3-2003

Note :— the notified Association is advised to apply in triplicate as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 47/2004/F.No. 203/97/2003-ITA.-II]

SANGEETA GUPTA, Director (ITA.II)

नई दिल्ली, 12 फरवरी, 2004

(आय-कर)

का. आ. 440.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आय-कर नियमावली, 1962 के नियम 6 के साथ पठित आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्य-कलापों के लिए अलग-लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग, 'टेक्नोलॉजी भवन', न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्य-कलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले, (क) आयकर महानिदेशक (छूट), 10 मिडिलटन रोड, पांचवा तल, कलकत्ता-700071, (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आय-कर आयुक्त/आय-कर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	बैसर्स स्वीकार रिहैबिलिटेशन इन्स्टीट्यूट फार हैंडिकेप्ड, उपकार काम्पलेक्स, उपकार जंक्शन, सिकंदराबाद-500003	1-4-2001 से 31-3-2004

टिप्पणी :— अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियां में और पहले ही अधिकार क्षेत्र वाले आय-कर आयुक्त/आय-कर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 48/2004/फा.सं. 203/104/2003-आय-कर नि. II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 12th February, 2004

(INCOME-TAX)

S. O. 440.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (iii) of Sub-section (1) of section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income-tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited income & Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income-tax Act, 1961 in addition to the return of income-tax to the designated assessing officer.

Sl. No.	Name of the organisation approved	Period for which notification is effective
I.	M/s Sweekaar Rehabilitation, Upkaar Complex, Upkaar Junction, Secunderabad-500 003	1-4-2001 to 31-3-2004

Note :—The notified Institution is advised to apply in triplicate as well in advance for renewal of the approval, to the Central Government through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 43/2004/F.No. 203/104/2003-ITA.-II]

SANGEETA GUPTA, Director (ITA.-II)

आदेश

नई दिल्ली, 17 फरवरी, 2004

का. आ. 441.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/07/2003-सी.यू.एस. VIII, दिनांक 20-11-2003 को जारी किया और यह निर्देश दिया कि श्री बी. नन्दकुमार, निवास :—'श्री निवास', पश्चिम नादा, गुरुवेयर, जिला-त्रिचूर, केरल को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, त्रिवेन्द्रम में अभिरक्षा में रखा जाए ताकि उसे भविष्य में देश की विदेशी मुद्रा के संवर्धन के प्रतिकूल किसी रीति से कार्य करने से निवारित करने की दृष्टि से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिनों के भीतर पुलिस अधीक्षक, त्रिचूर के सम्मुख उपस्थित हो।

[फा. सं. 673/7/2003-सी.यू.एस. VIII]

एन. राजागोपालन, अवर सचिव (कोफेपोसा)

ORDER

New Delhi, the 17th February, 2004

S.O. 441.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/7/2003-Cus. VIII dated 20-11-2003 under the said Sub-section directing that Shri B. Nandakumar, R/o 'Sree Niwas' West Nada, Guruvayoor, Trichur District, Kerala be detained and kept in custody in the Central Prison, Trivandrum with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange resources of the country in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of Sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Superintendent of Police, Trichur within 7 days of the publication of this order in the Official Gazette.

[F.No. 673/7/2003-Cus. VIII]

N. RAJAGOPALAN, Under Secy. (COFEPOSA)

आदेश

नई दिल्ली, 17 फरवरी, 2004

का. आ. 442.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/11/2003-सी.यू.एस. VIII, दिनांक 19-11-2003 को जारी किया और यह निर्देश दिया कि श्री अशरुल्ला रक्खा खान, निवास:- सोना, करिकाकुलम, ईरानीपालम, कोझीकोड, केरल को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, त्रिवेन्द्रम में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल किसी रीति से कार्य करने से निवारित करने की दृष्टि से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग हुआ है केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, कोझीकोड के सम्मुख उपस्थित हो।

[फा. सं. 673/11/2003/सी.यू.एस. VIII]

एन. राजागोपालन, अवर सचिव (कोफेपोसा)

ORDER

New Delhi, the 17th February, 2004

S.O. 442.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/11/2003-Cus. VIII dated 19-11-2003 under the said Sub-section directing that Shri Asarulla Rakha Khan, R/o. Sona, Karikkakulam, Eranielipalam, Kozhikode, Kerala be detained and kept in custody in the Central Prison, Trivandrum with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Kozhikode within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/11/2003-Cus. VIII]

N. RAJAGOPALAN, Under Secy. (COFEPOSA)

आदेश

नई दिल्ली, 17 फरवरी, 2004

का. आ. 443.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/16/2003-सी.यू.एस. VIII, दिनांक 15-10-2003 को जारी किया और यह निर्देश दिया कि श्री वी. अब्दुल करीम, निवास:- मकान सं. XXIV/81, वालिया परामविल हाउस, पेरगाम, जिला-त्रिचूर, केरल-680506 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, त्रिवेन्द्रम में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल किसी रीति से कार्य करने से निवारित करने की दृष्टि से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस अधिकारी, त्रिचूर के सम्मुख उपस्थित हो।

[फा. सं. 673/16/2003/सी.यू.एस. VIII]

एन. राजागोपालन, अवर सचिव (कोफेपोसा)

ORDER

New Delhi, the 17th February, 2004

S.O. 443.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued Order F. No. 673/16/2003-Cus. VIII dated 15-10-2003 under the said sub-section directing that Shri V. Abdul Kareem, R/o. H.No. XXIV/81, Vilia Parambil House, Peragam, Trichur District, Kerala-680506 be detained and kept in custody in the Central Prison, Trivandrum with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Superintendent of Police, Trichur within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/16/2003-Cus. VIII]

N. RAJAGOPALAN, Under Secy. (COFEPOSA)

आदेश

नई दिल्ली, 17 फरवरी, 2004

का. आ. 444.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/17/2003-सी.यू.एस. VIII, दिनांक 27-11-2003 को जारी किया और यह निर्देश दिया कि श्री एम. जयप्रकाश, निवास:- देवकी विला, पोस्ट-परलीकाड, वडकानचेरी, जिला-त्रिशूर, केरल-680 582 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, त्रिवेन्द्रम में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल किसी रीति से कार्य करने से निवारित करने की दृष्टि से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस अधीक्षक, त्रिशूर के सम्मुख उपस्थित हो।

[फा. सं. 673/17/2003/सी.यू.एस. VIII]

एन. राजगोपालन, अवर सचिव (कोफेपोसा)

ORDER

New Delhi, the 17th February, 2004

S.O. 444.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued Order F. No. 673/17/2003-Cus. VIII dated 27-11-2003 under the said Sub-section directing that Shri M. Jaiparkash, R/o. Devaki Villa, Parliakkad P.O., Wadakkancherry, Trissur District, Kerala-680582 be detained and kept in custody in the Central Prison, Trivandrum with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Superintendent of Police, Trichur within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/17/2003-Cus. VIII]

N. RAJAGOPALAN, Under Secy. (COFEPOSA)

आदेश

नई दिल्ली, 17 फरवरी, 2004

का. आ. 445.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/18/2003-सी.यू.एस. VIII, दिनांक 17-10-2003 को जारी किया और यह निर्देश दिया कि श्री महेन्द्र जे. दवे निवास-23/29, विथालवडी, प्रथम तल, कल्बादेवी रोड, मुम्बई-2 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, मुम्बई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल किसी रीति से कार्य करने से निवारित करने की दृष्टि से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, मुम्बई के सम्मुख उपस्थित हो।

[फा. सं. 673/18/2003/सी.यू.एस. VIII]

एन. राजगोपालन, अवर सचिव (कोफेपोसा)

ORDER

New Delhi, the 17th February, 2004

S.O. 445.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued Order F. No. 673/18/2003-Cus. VIII dated 17-10-2003 under the said Sub-section directing that Shri Mahendra J. Dave, R/o. 23/29, Vithalwadi, First Floor, Kalbadvi Road, Mumbai-2 be detained and kept in custody in the Central Prison, Mumbai with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/18/2003-Cus. VIII]

N. RAJAGOPALAN, Under Secy. (COFEPOSA)

आदेश

नई दिल्ली, 17 फरवरी, 2004

का. आ. 446.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/19/2003-सी.यू.एस. VIII, दिनांक 21-11-2003 को जारी किया और यह निर्देश दिया कि श्री राजेन्द्र कुमार सो. जैन उर्फ राजू जावेरी उर्फ राजेन्द्र जावेरी सुपुत्र श्री चुन्नी लाल, निवास—704, सप्तम तल, मेहा अनेक्सी, एल.बी.एस. मार्ग, भण्डूप पश्चिम, मुम्बई-78 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, मुम्बई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल किसी रीति से कार्य करने से निवारित करने की दृष्टि से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, मुम्बई के सम्मुख उपस्थित हो।

[फा. सं. 673/19/2003/सी.यू.एस. VIII]

एन. राजागोपालन, अवर सचिव (कोफेपोसा)

ORDER

New Delhi, the 17th February, 2004

S.O. 446.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/19/2003-Cus. VIII dated 21-11-2003 under the said Sub-section directing that Shri Rajendra Kumar C. Jain, @ Raju Javeri @ Rajendra Javeri, S/o Shri Chunilal, R/o 704, 7th Floor, Meha Annexe, LBS Marg, Bhandup (West), Mumbai-78 be detained and kept in custody in the Central Prison, Mumbai with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/19/2003-Cus. VIII]

N. RAJAGOPALAN, Under Secy. (COFEPOSA)

आदेश

नई दिल्ली, 17 फरवरी, 2004

का. आ. 447.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/29/2003-सी.यू.एस. VIII, दिनांक 03-12-2003 को जारी किया और यह निर्देश दिया कि श्री सी. के. बिरानकुट्टी, निवास—चेन्नादुकुझील, पोस्ट—वालुवमबारम, जिला—मल्लापूरम, केरल को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, त्रिवेन्द्रम में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल किसी रीति से कार्य करने से निवारित करने की दृष्टि से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, मल्लापूरम, केरल के सम्मुख उपस्थित हो।

[फा. सं. 673/29/2003/सी.यू.एस. VIII]

एन. राजागोपालन, अवर सचिव (कोफेपोसा)

ORDER

New Delhi, the 17th February, 2004

S.O. 447.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/29/2003-Cus. VIII dated 03-12-2003 under the said Sub-section directing that Shri C.K. Beerankutty, R/o Chennattukkuzhiiyil, Valluvambaram Post, Malappuram District, Kerala be detained and kept in custody in the Central Prison, Trivandrum with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Malappuram, Kerala within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/29/2003-Cus. VIII]

N. RAJAGOPALAN, Under Secy. (COFEPOSA)

आदेश

नई दिल्ली, 17 फरवरी, 2004

का. आ. 448.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/30/2003-सी.यू.एस. VIII, दिनांक 04-12-2003 को जारी किया और यह निर्देश दिया कि श्री सी. के. मोहम्मद मुस्तफा, सुपुत्र स्वर्गीय मामुटी, निवास :- चेरुकोटायल हाउस, चुलूपरामबू, पोस्ट-वेनगारा, जिला-मल्लापूरम, केरल को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, त्रिवेन्द्रम में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल किसी रीति से कार्य करने से निवारित करने की दृष्टि से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, मल्लापूरम, केरल के सम्मुख उपस्थित हो।

[फा. सं. 673/30/2003/सी.यू.एस. VIII]

एन. राजागोपालन, अवर सचिव (कोफेपोसा)

ORDER

New Delhi, the 17th February, 2004

S.O. 448.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/30/2003-Cus. VIII dated 04-12-2003 under the said Sub-section directing that Shri C. K. Mohamed Mustafa, S/o. Late Mammuti R/o. Cherukotayil House, Chuluparambu P.O. Vengara, Malappuram District, Kerala State be detained and kept in custody in the Central Prison, Trivandrum with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Malappuram, Kerala within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/30/2003-Cus. VIII]

N. RAJAGOPALAN, Under Secy. (COFEPOSA)

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 20 फरवरी, 2004

का. आ. 449.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड (9) के उपखंड (1) और (2) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा अखिल भारतीय पंजाब नैशनल बैंक अधिकारी संघ के अध्यक्ष, श्री पी.के. नय्यर, जो इस समय बी.ओ. चौक, सैदान, लुधियाना (पंजाब) में वरिष्ठ प्रबंधक के रूप में तैनात हैं अधिसूचना जारी होने की तारीख से तीन वर्ष की अवधि के लिए अथवा उनके उत्तराधिकारी को नामित किए जाने तक, और तत्पश्चात् अथवा पंजाब नैशनल बैंक में उनके अधिकारी न रहने पर अथवा अगले आदेशों तक, इनमें से जो भी पहले हो, पंजाब नैशनल बैंक के बोर्ड में अधिकारी कर्मचारी निदेशक के रूप में नामित करती है बशर्ते कि वे लगातार छः वर्ष तक पद पर नहीं बने रहेंगे।

[फा. सं. 9/12/2003/बी.ओ.-1]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 20th February, 2004

S.O. 449.—In exercise of the powers conferred by clause (f) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with Sub-clause (1) and (2) of clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri P.K. Nayar, President, All India Punjab National Bank Officer's Association and presently posted as Senior Manager, B.O. Chowk, Saidan, Ludhiana (Punjab) as Officer Employee Director on the Board of Punjab National Bank for a period of three years from the date of notification and thereafter until his successor has been nominated or until he ceases to be an officer of Punjab National Bank or until further orders, whichever is earlier provided that he shall not hold office continuously for a period of six years.

[F. No. 9/12/2003-B.O.I.]

RAMESH CHAND, Under Secy.

नई दिल्ली, 20 फरवरी, 2004

का. आ. 450.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1), खण्ड 5, खण्ड 6, खण्ड 7 और खण्ड 8 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3)

के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री प्रकाश सिंह, जो इस समय कार्यपालक निदेशक, पंजाब एण्ड सिन्ध बैंक हैं, को 01 मार्च, 2004 से अथवा उनके कार्यभार ग्रहण करने की तारीख से, जो भी बाद में हो, 28-02-2006 तक अर्थात् उनके अधिवर्षिता की आयु प्राप्त करने की तारीख तक या अगला आदेश होने तक, इनमें से जो भी पहले हो, युनाइटेड बैंक आफ इंडिया के अध्यक्ष एवं प्रबन्ध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/24/2003/बी.ओ.-I]

रमेश चन्द, अवर सचिव

New Delhi, the 20th February, 2004

S.O. 450.—In exercise of the powers conferred by clause (a) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with Sub-clause (1) of clause 3, clause 5, clause 6, clause 7 and Sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Parkash Singh, Executive Director, Punjab & Sind Bank as Chairman and Managing Director, United Bank of India from 1st March, 2004 or from the date of his taking charge whichever is later and upto 28-02-2006 i.e. the date of his attaining the age of superannuation or untill further orders, whichever event occurs earlier.

[F. No. 9/24/2003-B.O.I.]

RAMESH CHAND, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 4 फरवरी, 2004

का. आ. 451.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के मुम्बई सलाहकार पैनल को गठित करती है तथा निम्नलिखित व्यक्तियों को दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, तत्काल प्रभाव से उक्त पैनल के सदस्यों के रूप में नियुक्त करती है :—

1. श्री कमल अयूब
2. श्रीमती गौरी खान
3. श्रीमती जूही चावला
4. श्रीमती मुक्ता चड्ढा
5. श्री भवेश गाँधी
6. सुश्री रोमी जाफरी
7. श्री अशोक खेमका

8. श्री अंजन श्रीवास्तव
9. श्री इर्विन चुग
10. श्रीमती रिता मकवाना
11. श्री राकेश उपाध्याय
12. श्रीमती संगीता पवार
13. श्रीमती ज्योति अलावनी
14. श्रीमती विनोद शलेर
15. श्रीमती देवयानी खांकोजे
16. श्री सुनील शिन्दी
17. श्री धर्मजय पारखी
18. श्रीमती शालका साल्वा
19. श्रीमती तनुजा परदेशी
20. श्रीमती रागिनी चन्द्र
21. श्री संजय वादव
22. श्री नवल गंगाराव शिवाले
23. श्रीमती वैदेही भावे
24. श्री अरूण गोधरकर
25. श्री विनोद काम्बली
26. श्री विनीत गोरे
27. डा. शैक नाहिद जफर
28. श्री नदीम नुसरत
29. श्री विपिन भाई रेशमिया
30. श्री तरूण रतन सिंह राठी
31. श्रीमती प्रवीणा कामले
32. डॉ. भावना विरेन्द्र कुमार पन्नी
33. श्रीमती प्रदया प्रभाकर जाधव
34. श्रीमती अनुराधा सुनील खामितकर
35. श्री विजय गोपाल इंगले
36. श्री रत्नाकर सुरेन्द्र निक्म
37. श्री दिगम्बर गनु गावकर
38. श्री सुनील जयराम चन्दोरे
39. श्री विष्णु शंकर काम्बली
40. श्री एन० एन० शुक्ला
41. श्री दिनकर भीखराम पवार
42. श्री आनन्द शिन्दे
43. श्री विनोद खेदकर

44. श्री दिलीप जमशेदकर
45. श्री शांतनु गुरसाले
46. श्री चैतन्य के शांताराम
47. श्री सतीश नंदगांवकर
48. श्री अशोक सक्सेना
49. डॉ. आर पी सिन्हा
50. श्री सत्येन्द्र सिंह
51. श्री कमल जैन
52. श्रीमती अमराधा गोस्वामी
53. श्रीमती रितु शास्त्री

[फा.सं. 809/1/2004-एफ(सी)]

पी.पी. नायर, डेस्क अधिकारी

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 4th February, 2004

S.O. 451.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 of 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to constitute the Mumbai advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier :

1. Shri Kamal Ayub
2. Mrs. Gauri Khan
3. Mrs. Juhi Chawla
4. Mrs. Mukta Ghai
5. Shri Bhavesh Gandhi
6. Ms. Romy Jaffrey
7. Shri Ashok Khemka
8. Shri Anjan Srivastava
9. Shri Irvin Chug
10. Smt. Rita Makwana
11. Shri Rakesh Upadhyay
12. Smt. Sangeeta Pawar
13. Smt. Jyoti Alawani
14. Smt. Vinod Shaler
15. Smt. Devyani Khankoj
16. Shri Sunil Shinde

17. Shri Dhanjay Parkhe
18. Smt. Shalaka Salvi
19. Smt. Tanuja Pardeshi
20. Smt. Ragini Chandratre
21. Shri Sanjay Yadav
22. Shri Naval Gangaram Shewale
23. Smt. Vaidehi Bhawe
24. Shri Arun Gondharkar
25. Shri Vinod Kamble
26. Shri Vinit Gore
27. Dr. Shaik Nahid Zafar
28. Mr. Nadeem Nusrat
29. Shri Vipin Bhai Reshamiya
30. Shri Tarun Tatan Singh Rath
31. Smt. Parvina Kalme
32. Dr. Bhavna Virendra Kumar Patni
33. Smt. Pardnya Prabhakar Jadhav
34. Smt. Anuradha Sunil Khamitkar
35. Shri Vijay Gopal Ingle
36. Shri Ratnakar Surendra Nikam
37. Shri Digambar Ganu Gaokar
38. Shri Sunil Jairam Chandore
39. Shri Vishnu Shankar Kamble
40. Shri N.N. Shukla
41. Shri Dinkar Bhikuram Pawar
42. Shri Anand Shinde
43. Shri Vinod Khedekar
44. Shri Dilip Janisaekar
45. Shri Shantanu Gursale
46. Shri Chaitany K. Shantaram
47. Shri Satish Nandgaonkar
48. Shri Ashok Saxena
49. Dr. R.P. Sinha
50. Shri Satyender Singh
51. Shri Kamal Jain
52. Mrs. Anuadha Goshwami
53. Mrs. Ritu Shastry

[F. No. 809/1/2004-F(C)]

P. P. NAIR, Desk Officer.

नई दिल्ली, 4 फरवरी 2004

का.आ. 452.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के कोलकाता सलाहकार पैनल को गठित करती है तथा निम्नलिखित व्यक्तियों को दो वर्षों की अवधि के लिए या अगले आदेशों तक जो भी पहले हो, तत्काल प्रभाव से उक्त पैनल के सदस्यों के रूप में नियुक्त करती है :—

1. श्रीमती मधु नेओतिया
2. श्रीमती डोना गांगुली
3. श्री अरुण गुप्ता
4. श्री पार्थो बनर्जी
5. श्री तपन भट्टाचार्य
6. श्री प्रसून मुखर्जी
7. श्री विजय अध्या
8. श्री विमल लाठ
9. श्री विकास भट्टाचार्य
10. कैप्टन अमलेन्दु चौधरी
11. श्रीमती गौरी चौधरी
12. श्रीमती नीलू घोष
13. श्रीमती पूर्णिमा एल. तुलसीदास
14. श्रीमती शान्ति रॉय
15. श्रीमती आशा टंडन
16. श्रीमती देवयानी बोस
17. श्रीमती नम्रता सुरेखा
18. श्रीमती नीला गोस्वामी
19. श्रीमती सुमन गुप्ता
20. श्री श्यामलाल दत्ता चौधरी
21. श्री शोमिक भट्टाचार्य
22. श्री दिलीप बनर्जी
23. श्री अशम सरकार
24. श्रीमती ज्योत्सना बनर्जी
25. श्री राठिन्द्र मोहन बन्दोपाध्याय
26. श्री इन्देरा दत्ता
27. श्री प्रोबिर मुखर्जी
28. प्रोफेसर अरुण कुमार सिन्हा
29. श्री राजेन्द्र शर्मा
30. श्री अभिजीत कश्यप

31. श्री विमल जैन
32. श्री उदय कृष्णा कनोरिया
33. श्री कुमुद बिहारी सिंह
34. प्रोफेसर सूरज नन्दन मेहता
35. श्री अजित कुमार सिंह
36. डॉ. मधुसूदन कुमार सिन्हा
37. श्री प्रभात भूषण
38. श्री अरविन्द शर्मा
39. श्री प्रशांत कुमार चर्मा
40. श्री राहुल सिन्हा
41. श्री धरम दास मुंदरी
42. श्री आनन्द मिश्रा
43. श्री प्रणव शाही
44. श्री मुकेश नन्दन
45. श्री विश्वनाथ भगत
46. श्री देबाशिश मित्रा

[फा. सं. 809/2/2004-एफ (सी)]

पी. पी. नायर, डैस्क अधिकारी

New Delhi, the 4th February, 2004

S.O. 452.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to constitute the Kolkata advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier :

1. Mrs. Madhu Neotia
2. Smt. Dona Ganguli
3. Shri Arun Gupta
4. Shri Partho Banerjee
5. Shri Tapan Bhattacharya
6. Shri Prasun Mukherjee
7. Shri Bijay Adhya
8. Shri Bimal Lath
9. Shri Bikash Bhattacharya
10. Capt. Amalendu Chowdhury
11. Smt. Gouri Choudhury
12. Smt. Neelu Ghosh
13. Smt. Purnima L. Toolsidass
14. Smt. Shanti Roy
15. Smt. Asha Tandon

16. Smt. Debjani Bose
17. Smt. Namrata Surekha
18. Smt. Neela Goswami
19. Smt. Suman Gupta
20. Shri Shyamal Dutta Choudhury
21. Shri Shomik Bhattacharya
22. Shri Dilip Banerjee
23. Shri Ashim Sarkar
24. Smt. Jyotshna Banerjee
25. Shri Rathindra Mohan Bandopadhyay
26. Shri Indera Dutta
27. Shri Probir Mukherjee
28. Prof. Arun Kumar Sinha
29. Shri Rajendra Sharma
30. Shri Abhijit Kashyap
31. Shri Vimal Jain
32. Shri Udai Krishna Kanoria
33. Shri Kumud Bihari Singh
34. Prof. Suraj Nandan Mehta
35. Shri Ajit Kumar Singh
36. Dr. Madhusudan Kumar Sinha
37. Shri Prabhat Bhushan
38. Shri Arvind Sharma
39. Shri Prashant Kumar Verma
40. Shri Rahul Sinha
41. Shri Dharam Das Mundari
42. Shri Anand Misra
43. Shri Pranav Shahi
44. Shri Mukesh Nandan
45. Shri Vishwanath Bhagat
46. Shri Debasish Mitra

[F. No. 809/2/2004-F(C)]

P. P. NAIR, Desk Officer

नई दिल्ली, 4 फरवरी 2004

का.आ. 453.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 3-9-2002 तथा 7-11-2002 की अधिसूचना सं. 809/1/2002-एफ (सी) के अधिक्रमण में केन्द्र सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल को पुनर्गठित करती है तथा निम्नलिखित व्यक्तियों को दो वर्षों की अवधि के लिए या अगले आदेशों तक जो भी पहले हो, तत्काल प्रभाव से उक्त पैनल के सदस्यों के रूप में नियुक्त करती है :—

1. श्री जी राजा चक्रधर
2. श्री ई मेस्लाराव
3. श्री टी श्रीप्रसाद
4. श्री एस हरिबाबू
5. श्री वाई माधव रेड्डी
6. श्री ए दयाकर राव
7. श्रीमती रत्ना चोटरनी
8. श्रीमती के रजिता
9. श्रीमती डॉ. हेमलता
10. डॉ. गोपाल रेड्डी
11. कु. एन. गीता
12. श्री रघु
13. श्री के. वी. वी. चार्य
14. श्री राम रेड्डी प्रियदर्शिनी
15. श्री कालिन्दी वेंकट रामारजु
16. श्री जी के एस राजा
17. श्रीमती पी मंगा कृष्णा रेड्डी
18. श्रीमती आर मंजुला रामास्वामी
19. श्री विद्यारण्या
20. श्रीमती पी लक्ष्मी
21. श्री नाचराम
22. श्री अनिल कुमार बिरादर
23. श्री राजेन्द्र
24. श्री के फरीद खान
25. श्री एल रामानायडु
26. डॉ. एम चिनप्पा
27. श्री एम ए रेड्डी
28. श्री झोन्ना विथुला
29. श्री प्रधीना आदिनारायन्न
30. श्रीमती टी विजया लक्ष्मी

[फा. सं. 809/3/2004-एफ (सी)]

पी. पी. नायर, डेस्क अधिकारी

New Delhi, the 4th February, 2004

S.O. 453.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, and in supersession of Notification No. 809/1/2002-F(C) dated 01-09-2002 and 07-11-2002, the Central Government is pleased to reconstitute the

Hyderabad advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier :—

1. Shri G. Raja Chakradhar
2. Shri E. Yellarao
3. Shri T. Sriprasad
4. Shri S. Haribabu
5. Shri Y. Madhav Reddy
6. Shri A. Dayakar Rao
7. Smt. Ratna Chotrani
8. Smt. K. Rajitha
9. Smt. Dr. Hemalatha
10. Dr. Gopal Reddy
11. Kum.N. Geeta
12. Shri Raghu
13. Shri K. V. V. Charya
14. Shri Ravi Reddy Priyadarshini
15. Shri Kalidindi Venkata Ramaraju
16. Shri G. K. S. Raja
17. Smt. P. Manga Krishna Reddy
18. Smt. R. Manjula Ramaswamy
19. Shri Vidhyaranaya
20. Smt. P. Lakshmi
21. Shri Nacharun
22. Shri Anil Kumar Biradar
23. Shri Rajendra
24. Shri K. Fareed Khan
25. Shri L. Rama Naidu
26. Dr. M. Chennappa
27. Shri M. A. Reddy
28. Shri Jhonna Vithula
29. Shri Pradhina Adinarayanan
30. Smt. T. Vijaya Lakshmi

[F.No. 809/3/2004-F.(C)]

P. P. NAIR, Desk Officer

नई दिल्ली, 4 फरवरी 2004

का.आ. 454.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के चैन्सल सलाहकार पैनल को गठित करती है तथा निम्नलिखित व्यक्तियों को दो वर्षों की अवधि के लिए या अगले आदेशों तक जो भी पहले हो, तत्काल प्रभाव से उक्त

पैनल के सदस्यों के रूप में नियुक्त करती है :—

1. श्री के. नारायणा राव
2. डॉ. मुरुगामनी
3. सुश्री बेनिरा आदई निर्मला
4. श्रीमती ललिता सुभाष
5. श्री के. राजासिम्हन
6. श्री सुन्दर मूर्ति
7. श्री सु. रामासेकर
8. श्री एम जयशंकर
9. श्रीमती सुजाता राव
10. श्रीमती जया रंगनाथन
11. श्रीमती बनिता श्रीनिवासन
12. श्री वी. कालीदोस
13. श्री ए. वेंकट राव
14. श्री वी. इलूमलाई
15. श्री श्रीनिवासन
16. श्रीमती कौशल्या गोपी
17. श्री वी. वेंकट कृष्णन
18. श्रीमती पोन्न तमिल मनि
19. श्री मलायम सम्पत
20. श्रीमती राधाकृष्णन
21. श्रीमती आयशा गणपति
22. श्रीमती स्वर्ण सेतुरमन
23. श्रीमती सुरेखा कोठारी
24. श्री राम दुलार सिंह
25. श्री वाई. एस. कन्नन
26. श्री वी. बालू
27. श्री आर. एस. प्रकाश
28. श्री एच.एम. अब्दुल कलाम

[फा. सं. 809/4/2004-एफ (सी)]

पी. पी. नारयण, डेस्क अधिकारी

New Delhi, the 4th February, 2004

S.O. 454.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to constitute the Chennai advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with

immediate effect for a period of two years or until further orders, whichever is earlier :

1. Shri K. Narayana Rao
2. Dr. Murugamani
3. Ms. Vennira Aadai Nirmala
4. Smt. Lalitha Subhash
5. Shri K. Rajasimhan
6. Shri Sundara Murthy
7. Shri Su. Ramasekar
8. Shri M. Jaishankar
9. Smt. Sujatha Rao
10. Smt. Jaya Ranganathan
11. Smt. Vaniti Srinivasan
12. Shri V. Kalidoss
13. Shri A. Venkat Rao
14. Shri V. Elumalai
15. Shri Srinivasan
16. Smt. Kousalya Gopi
17. Shri V. Venkata Krishnan
18. Smt. Pon Tamil Mani
19. Shri Malayam Sampath
20. Smt. Radhakrishnan
21. Smt. Ayisha Ganapathy
22. Smt. Swarna Sethuraman
23. Shri Surekha Kothari
24. Shri Ram Dular Singh
25. Shri Y. S. Kannan
26. Shri V. Balu
27. Shri R. S. Prakash
28. Shri H. M. Abdul Kalam

[F.No. 809/4/2004-F.(C)]

P. P. NAIR, Desk Officer

नई दिल्ली, 4 फरवरी 2004

का.आ. 455.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के बंगलौर सलाहकार पैनल को गठित करती है तथा निम्नलिखित व्यक्तियों को दो वर्षों की अवधि के लिए या अगले आदेशों तक जो भी पहले हो, तत्काल प्रभाव से उक्त पैनल के सदस्यों के रूप में नियुक्ति करती है :—

1. श्री अमरीश
2. श्री यगति मोहन

3. श्री एन दक्षिणा मूर्ति
4. श्रीमती श्रीलता पूर्णचन्द्रा
5. श्रीमती सुनीता देहिया
6. श्री नंजापा
7. श्री राघवेन्द्र
8. श्री जगन्नाथ
9. श्रीमती कविता जैन
10. श्री ए. एच. आनन्द
11. श्री पी. के. सुरेश
12. श्री बालकृष्णा
13. श्री अमूर्त सागरपवार
14. श्री सस्वाथामा
15. डा. के चंद्रिका
16. श्रीमती ज्योति पी पुतुरैय
17. श्री एम एस शिवानंद मूर्ति
18. श्री बाबू प्रसाद छड़गा
19. श्री जे वासुदेवन
20. श्री टी आर सत्यनारायण
21. श्री एल माधवन
22. श्री सुधा रवि
23. श्रीमती सत्यवती
24. श्री आर प्रभाकर
25. श्रीमती जयश्री श्रीधर
26. श्रीमती शारदा नायक
27. श्री अकरम बाशा

[फा. सं. 809/5/2004-एफ (सी)]

पी. पी. नायर, डैस्क अधिकारी

New Delhi, the 4th February, 2004

S.O. 455.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to constitute the Bangalore advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier :

1. Shri Amrish
2. Shri Yagati Mohan
3. Shri N. Dakshina Murthy

4. Smt. Sreelatha Purnachandra
5. Smt. Sunitha Doddaiiah
6. Shri Nanjapa
7. Shri Raghavendra
8. Shri Jagannath
9. Smt. Kavitha Jain
10. Shri A. H. Anand
11. Shri P. K. Suresh
12. Shri Balakrishna
13. Shri Amurth Sagar Pawar
14. Smt. Saraswathamma
15. Dr. K. Chandrika
16. Smt. Jyoti P. Putturaya
17. Shri M.. S. Shivanand Murthy
18. Shri Babu Prasad Chadaga
19. Shri J. Vasudevan
20. Shri T. R. Satyanarayana
21. Shri. L. Madhavan
22. Shri Sudha Ravi
23. Smt. Satyavathi
24. Shri R. Prabhakar
25. Smt. Jayashree Sridhar
26. Smt. Sharada Naik
27. Shri Akram Basha

[F. No. 809/5/2004-F.(C)]

P. P. NAIR, Desk Officer

नई दिल्ली, 4 फरवरी 2004

का.आ. 456.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के कटक सलाहकार पैनल को गठित करती है तथा निम्नलिखित व्यक्तियों को दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, तत्काल प्रभाव से उक्त पैनल के सदस्यों के रूप में नियुक्ति करती है :—

1. श्री सम्पत महापात्र
2. श्री अशोक दास
3. श्री सौम्याजीत पटनायक
4. श्री चंद्रभानु पटनायक
5. श्री मनोरंजन मिश्रा
6. श्री शिबाशंकर ओझा
7. श्री प्रमोद महापात्र

8. श्री सुभाष दास
9. श्री गिरीश चन्द्रा मोहन्ती
10. श्री मनोरंजन पटनायक
11. श्री परशुराम दास
12. श्री सत्यव्रत त्रिपाठी
13. श्री बसंत साहू
14. श्री अजय कुमार रोत्रैय
15. श्री मोहिनी मोहन मिश्रा
16. श्री सोमेन्द्र जेना
17. सुश्री कस्तूरी पटनायक
18. सुश्री कृष्णा सतपाठी
19. श्री ओम प्रकाश मोहन्ती
20. श्री बटा कृष्णा त्रिपाठी
21. डॉ. बिजोया मिश्रा
22. श्रीमती निहारिका नायक
23. श्री प्रबीर कुमार पटनायक
24. सुश्री सुजाता मिश्रा
25. श्री जगदीश कुमार पटनायक
26. श्रीमती सस्मिता पंडा
27. श्री मनोज पटनायक
28. श्री प्रदीप साहू
29. बबू बिहारी माहन्ती

[फ. सं. 809/6/2004-एफ (सी)]

पी. पी. नायर, डेस्क अधिकारी

New Delhi, the 4th February, 2004

S.O. 456.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to constitute the Cuttack advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier :

1. Shri Sampath Mohapatra
2. Shri Ashok Das
3. Shri Soumyajit Patnaik
4. Shri Chandrabhanu Patnaik
5. Shri Manoranjan Mishra
6. Shri Shibasankar Ojha
7. Shri Pramod Mohapatra

8. Shri Subash Dash
9. Shri Girish Chandra Mohanty
10. Shri Manoranjan Patnaik
11. Shri Parsuram Das
12. Shri Satyabrata Tripathy
13. Shri Basanta Sahu
14. Shri Ajay Kumar Routray
15. Shri Mohini Mohan Mishra
16. Shri Soumendra Jena
17. Mr. Kasturi Patnaik
18. Ms. Krishna Satpathy
19. Shri Om Prakash Mohanty
20. Shri Bata Krishna Tripathy
21. Dr. Bijoya Mishra
22. Smt. Niharika Naik
23. Shri Prabir Kumar Patnaik
24. Ms. Sujata Mishra
25. Shri Jagdish Kumar Patnaik
26. Smt. Sasmita Panda
27. Shri Manoj Patnaik
28. Shri Pradeep Sahoo
29. Shri Bana Bihari Mohanty

[F. No. 809/6/2004-F.(C)]

P. P. NAIR, Desk Officer

नई दिल्ली, 4 फरवरी, 2004

का.आ. 457.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल को गठित करती है तथा निम्नलिखित व्यक्तियों को दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, तत्काल प्रभाव से उक्त पैनल के सदस्यों के रूप में नियुक्ति करती है :—

1. श्री डी पी सिन्हा
2. सुश्री मोहिनी गर्ग
3. श्री शंभु नाथ सिंह
4. श्रीमती नमिता गौतम
5. श्री मुकेश गुप्ता
6. डॉ. अर्चना दयाल
7. सुश्री पंकी आनन्द
8. श्री सुदेश वर्मा
9. श्री अमिताभ पाराशर
10. श्री प्रदीप गंगाल
11. श्री सुनील मिश्र
12. श्री मनोज जैन
13. श्री राजेश कुमार सिन्हा
14. श्री सतीश उपाध्याय
15. श्रीमती नीरा शास्त्री
16. श्री दुष्यंत कुमार गौतम

17. श्री प्रत्युश कंठ
18. श्री आलोक कुमार
19. श्री भूपेंद्र कंसल
20. श्री अरूण कुमार श्रीवास्तव
21. सुश्री ज्योत्स्ना सूरी
22. श्री सुरेश श्रीवास्तव
23. सुश्री रचना बर्मन
24. श्री सिद्धार्थ नाथ सिंह
25. श्री विनय कुमार
26. श्री विनोद शर्मा
27. सुश्री गीता महरोत्रा
28. श्री आलोक वत्स
29. श्रीमती सुषमा रामाचन्द्रन
30. श्री दीपक मिश्रा

[फ. सं. 809/7/2004-एफ (सी)]

पी. पी. नायर, डैस्क अधिकारी

New Delhi, the 4th February, 2004

S.O. 457.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to constitute the Delhi advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier :

1. Shri D. P. Sinha
2. Ms. Mohini Garg
3. Shri Shambhu Nath Singh
4. Mrs. Namita Gautam
5. Shri Mukesh Gupta
6. Dr. Archana Dayal
7. Ms. Pinky Anand
8. Shri Sudesh Verma
9. Shri Amitabh Parashar
10. Shri Pradeep Gangal
11. Shri Sunil Mittal
12. Shri Manoj Jain
13. Shri Rajesh Kumar Sinha
14. Shri Satish Upadhyay
15. Smt. Neera Shastri
16. Shri Dushyant Kumar Gautam
17. Shri Praytush Kanth
18. Shri Alok Kumar
19. Shri Bhupender Kansal
20. Shri Arun Kumar Srivastava
21. Ms. Jyotsna Suri
22. Shri Suresh Srivastava
23. Ms. Rachana Burman

24. Shri Sidhartha Nath Singh
25. Shri Vinay Kumar
26. Shri Vinod Sharma
27. Ms. Geeta Mehrotra
28. Shri Alok Vatsa
29. Smt. Sushma Ramachandran
30. Shri Deepak Mishra

[F. No. 809/7/2004-F.(C)]

P. P. NAIR, Desk Officer

नई दिल्ली, 4 फरवरी 2004

का.आ. 458.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के गोवाहाटी सलाहकार पैनल को गठित करती है तथा निम्नलिखित व्यक्तियों को दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, तत्काल प्रभाव से उक्त पैनल के सदस्यों के रूप में नियुक्ति करती है :—

1. श्री बिचित्रा नारायण कलिता
2. श्री रमेन बरूआ
3. श्रीमती अलका दास
4. श्री मनोज राम फूकून
5. डॉ. शर्मिष्ठा खजान्ची
6. श्री नयन मोनी बरूआ
7. श्री एम गोलाघाट
8. श्री मुकुल च. दास
9. श्री कार्तिक दास
10. श्रीमती सुमित्रा गोस्वामी
11. अनिल कुमार दास
12. श्री दिलीप राजवंशी

[फा. सं. 809/8/2004-एफ (सी)]

पी. पी. नायर, डेस्क अधिकारी

New Delhi, the 4th February, 2004

S.O. 458.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to constitute the Guwahati advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier :—

1. Shri Bichitra Narayan Kalita
2. Shri Ramen Baruah
3. Smt. Alka Das
4. Shri Manoj Ram Phookun
5. Dr. Sarmistha Khajanchi
6. Shri Nayan Moni Baruah
7. Shri M. Golaghat
8. Shri Mukul Ch. Das

9. Shri Kartik Das
10. Smt. Sumitra Goswami
11. Shri Anil Kumar Das
12. Shri Dilip Rajbanshi

[F. No. 809/8/2004-F.(C)]

P. P. NAIR, Desk Officer

नई दिल्ली, 4 फरवरी, 2004

का.आ. 459.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के तिरुवनंतपुरम सलाहकार पैनल को गठित करती है तथा निम्नलिखित व्यक्तियों को दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, तत्काल प्रभाव से उक्त पैनल के सदस्यों के रूप में नियुक्ति करती है :—

1. श्री पद्मजा राधाकृष्णन
2. श्री गोपाकुमार
3. श्री सूर्या कृष्णामूर्ति
4. श्री ई. सोमन
5. श्री के. कुन्नीकन्नन
6. सुश्री गिरिजा नायर
7. श्री के पी बालाकृष्णा नायर
8. श्री जोसेफ मैथ्यू पलाई
9. श्री रेशमी मैक्सिम
10. श्री आर पी सी नायर
11. श्री वी अशोक कुमार
12. श्री मिंदु प्रदीप
13. श्री एस सुरेश
14. श्री ए एस. हरिकुमार
15. सुश्री अनिता कुमार
16. सुश्री अम्मा चंद्रमति
17. डॉ. बी मोहन चन्द्रन
18. श्री गोपा कुमार जयश्री
19. डॉ. नायर गोप...
20. श्री एस एच रावथेर
21. डॉ. के परमेश्वरन नम्बूद्री
22. श्री सनल कुमार सी बी
23. सुश्री शोभा सोमाशेखरन
24. सुश्री ईश्वरी पानिकेर
25. सुश्री मीरा बुधन
26. श्री एस के नायर
27. सुश्री बिन्दु बालकृष्णन

[फा. सं. 809/9/2004-एफ (सी)]

पी. पी. नायर, डेस्क अधिकारी

New Delhi, the 4th February, 2004

S.O. 459.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to constitute the Thiruvananthapuram advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with immediate effect for a period of two years or until further orders, whichever is earlier:

1. Shri Padmaja Radhakrishnan
2. Shri Gopakumar
3. Shri Soorya Krishnamoorthy
4. Shri E. Soman
5. Shri K. Kunnikannan
6. Ms. Ginja Nair
7. Shri K.P. Balakrishna Nair
8. Shri Joseph Mathew Palai
9. Shri Resmi Maxim
10. Shri R.P.C. Nair
11. Shri V. Ashok Kumar
12. Shri Bhindu Pradeep
13. Shri S. Suresh
14. Shri A.S. Harikumar
15. Ms. Anitha Kumar
16. Ms. Anma Chandramathi
17. Dr. B. Mohana Chandran
18. Shri Gopakumar Jayashree
19. Dr. Nayar Gopinath
20. Shri S. H. Rowther
21. Dr. K. Parameswaran Namboodiri
22. Shri Sanal Kumar C.V.
23. Ms. Shoba Somasekharan
24. Ms. Easwari Paniker
25. Ms. Meera Budhan
26. Shri S. K. Nair
27. Ms. Bindu Balakrishnan

[F.No. 809/9/2004-F.(C)]
P. P. NAIR, Desk Officer

वाणिज्य एवं उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 19 फरवरी 2004

का.आ. 460.— केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में वाणिज्य विभाग के अंतर्गत आने वाले ई सी जी सी लि., मुम्बई के निम्नलिखित कार्यालयों को अधिसूचित करती है, जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है :—

1. भारतीय निर्यात ऋण गारंटी निगम लि.,
ठाणे शाखा कार्यालय,
कुसुमांजलि, पहली मंजिल,
गोखले रोड, नौपाडा,
ठाणे-400002
2. भारतीय निर्यात ऋण गारंटी निगम लि.,
चर्चगेट शाखा कार्यालय,
कम्बटा बिल्डिंग, दूसरी मंजिल,
42 महिष कर्वे मार्ग, चर्चगेट,
मुम्बई-400020
3. भारतीय निर्यात ऋण गारंटी निगम लि.,
बैंक कारोबार शाखा कार्यालय,
दलामल हाउस, तीसरी मंजिल,
प्लॉट सं. 206, जमना लाल बजाज मार्ग,
नरीमन प्वाइंट,
मुम्बई-400020
4. भारतीय निर्यात ऋण गारंटी निगम लि.,
बड़े निर्यातक शाखा कार्यालय,
दलामल हाउस, तीसरी मंजिल,
प्लॉट सं. 206,
जमनालाल बजाज मार्ग,
नरीमन प्वाइंट, मुम्बई-400020
5. भारतीय निर्यात ऋण गारंटी निगम लि.,
भुवनेश्वर शाखा कार्यालय,
ए-77, शहीद नगर,
भुवनेश्वर-751007
6. भारतीय निर्यात ऋण गारंटी निगम लि.,
नोएडा सेटेलॉइट कार्यालय,
रूम नं. 312, कृष्णा अपरा प्लाजा,
सेक्टर 18, नोएडा,
उत्तर प्रदेश-201 301
7. भारतीय निर्यात ऋण गारंटी निगम लि.,
जोधपुर सेटेलॉइट कार्यालय,
401, तल मंजिल,
पुलिस लाईन मेन गेट के सामने,
प्रकाश भवन, रतनाडा, जोधपुर,
राजस्थान-342001
8. भारतीय निर्यात ऋण गारंटी निगम लि.,
चंडीगढ़ सेटेलॉइट कार्यालय,
पहली मंजिल, सेक्टर 147-148,
सेक्टर 9 सी, चंडीगढ़,
केन्द्र शासित प्रदेश-160017
9. भारतीय निर्यात ऋण गारंटी निगम लि.,
राजकोट सेटेलॉइट कार्यालय,
805-806, 8वीं मंजिल,
स्टार चेम्बर्स, हरिहर चौक, राजकोट,
गुजरात-360001

10. भारतीय निर्यात ऋण गारंटी निगम लि.,
विशाखापत्तनम सेटेलाइट कार्यालय,
तीसरी मंजिल, रेडनाम प्लाजा,
दूसरी लेन, द्वारका नगर, विशाखापत्तनम,
आंध्र प्रदेश-530016

[फा. सं. ई. 11013/3/99-(हिन्दी)]

एल. पी. सैनी, निदेशक (राजभाषा)

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 19th February, 2004

S.O. 460.—In pursuance of sub Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of ECGC Ltd., Mumbai Under D/o Commerce whereof more than 80% Staff have acquired a working knowledge of Hindi :—

1. Export Credit Guarantee Corporation of India Ltd.,
Thane Branch Office,
Kusumanjali, 1st Floor,
Gokhle Road, Naupada,
Thane(W)-400602
2. Export Credit Guarantee Corporation of India Ltd.,
Churchgate Branch Office,
Cambatta Building, 2nd Floor,
42 Maharishi Karve Marg Churchgate,
Mumbai-400020
3. Export Credit Guarantee Corporation of India Ltd.,
Bank Business Branch Office,
Dalamal House, 3rd Floor,
Plot No. 206, Jamnalal Bajaj Marg,
Nariman Point,
Mumbai-400021
4. Export Credit Guarantee Corporation of India Ltd.,
Large Exporters Branch Office,
Dalamal House, 3rd Floor,
Plot No. 206, Jamnalal Bajaj Marg,
Nariman Point,
Mumbai-400021
5. Export Credit Guarantee Corporation of India Ltd.,
Bhubaneswar Branch Office,
A-77, Shaheed Nagar,
Bhubaneswar-751007
6. Export Credit Guarantee Corporation of India Ltd.,
Noida Satellite Office,
Room No. 312, Krishna Aparar Plaza,
Sector 18, Noida,
Uttar Pradesh-201301
7. Export Credit Guarantee Corporation of India Ltd.,
Jodhpur Satellite Office,
401, Ground Floor,
Opp. Police Line Main Gate,
Prakash Bhavan,
Ratnada, Jodhpur,
Rajasthan-342001

8. Export Credit Guarantee Corporation of India Ltd.,
Chandigarh Satellite Office,
1st Floor, Sector 147-148,
Sector 9 C, Union Territory,
Chandigarh-160017
9. Export Credit Guarantee Corporation of India Ltd.,
Rajkot Satellite Office,
805-906, 8th Floor, Star Chambers,
Harihar Chowk, Rajkot,
Gujarat-360001
10. Export Credit Guarantee Corporation of India Ltd.,
Vishakhapatnam Satellite Office,
3rd Floor, Rednam Plaza,
2nd Lane, Dwarka Nagar,
Vishakhapatnam,
Andhra Pradesh-530016

[F. No. E-11013/3/99(Hindi)]

L.P. SAINI, Director.(O.L.)

नई दिल्ली, 19 फरवरी 2004

का.आ. 461.— केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में वाणिज्य विभाग के अंतर्गत आने वाले विदेश व्यापार कार्यालय, नई दिल्ली के निम्नलिखित कार्यालयों को अधिसूचित करती है, जिसके 80 प्रतिशत से अधिक कर्मचारीवृंद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है :—

1. संयुक्त महानिदेशक,
विदेश व्यापार का कार्यालय,
634-636 बेल्जियम टावर, रिंग रोड,
सुरत-395003
2. संयुक्त महानिदेशक,
विदेश व्यापार का कार्यालय,
आर.बी. बरूआ रोड,
गुवाहाटी
3. संयुक्त महानिदेशक,
विदेश व्यापार का कार्यालय,
मोरलो बिल्डिंग,
शिलोंग-793001

[फा. सं. 11013/3/99-(हिन्दी)]

एल. पी. सैनी, निदेशक (राजभाषा)

New Delhi, the 19th February, 2004

S.O. 461.—In pursuance of sub Rule (4) of Rule 10 of the Official Language (Use for Official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Office of Foreign Trade, New Delhi Under D/o Commerce whereof more than 80% Staff have acquired a working knowledge of Hindi :—

1. Office of the Joint Director General of
Foreign Trade,
634-636, Belgium Tower, Ring Road,
Surat-395003

2. Office of the Joint Director General of Foreign Trade, R.B. Baruah Road, Guwahati
3. Office of the Joint Director General of Foreign Trade, Morello Building, Shillong-793001

[F. No. E-11013/3/99(Hindi)]
L.P. SAINI, Director(O.L.)

पोत परिवहन मंत्रालय

नई दिल्ली, 17 फरवरी 2004

का.आ. 462.—भारत सरकार, निम्नलिखित कार्यालय को, जहाँ 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है और जो इस मंत्रालय के प्रशासनिक नियंत्रण में है, राजभाषा (संघ के सरकारी उद्देश्य के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप नियम (4) के तहत अधिसूचित करती है :—

नाविक रोजगार कार्यालय, नव भवन,
10, रामजीभाई कमानी मार्ग, बेलार्ड इस्टेट,
मुम्बई-400001

[फा. सं. ई-11011/1/2000-हिन्दी]

आर. के. जैन, संयुक्त सचिव

MINISTRY OF SHIPPING

New Delhi, the 17th February, 2004

S.O. 462.—In pursuance of sub rule (4) of rule 10 of the Official Language (use for the official purpose of the Union) Rule, 1976, the Government of India hereby notified the following office under the administrative control of the Ministry of Shipping where more than 80% of staff acquired working knowledge in Hindi :—

Seamen's Employment Office,
Nav Bhavan, 10-Ramjibhai Kamani Marg,
Belard Estate, Mumbai-400001.

[F. No. E-11011/1/2000-Hindi]

R. K. JAIN, Jt. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 13 फरवरी 2004

का.आ. 463.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) के खण्ड 2 की धारा (क) के अनुसार केन्द्रीय सरकार नीचे दी गई अनुसूची के कालम 1 में वर्णित प्राधिकारी को उपरोक्त नियम के अन्तर्गत उपरोक्त अनुसूची के कालम 2 में दर्ज की गई प्रविष्टि में वर्णित क्षेत्र के लिये सक्षम प्राधिकारी का कार्य करने के लिये प्राधिकृत करती है।

अनुसूची

प्राधिकारी	पता	क्षेत्र
1	2	3
उपायुक्त	जोरहाट, असम	जिला, जोरहाट, असम

[सं. ओ-12016/1/2004-ओएनजीडी-IV]

एन. सी. जाखूप, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 13th February, 2004

S.O. 463.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Govt. hereby authorise the authority mentioned in column 1 of the schedule below to perform the functions of the competent authority under the said Act within the areas mentioned in the corresponding entry in column 2 of the said schedule.

SCHEDULE

Authority	Address	Area
1	2	3
Deputy Commissioner	Jorhat, Assam	Dist. of Jorhat Assam

[No. O-12016/1/2004-ONGD-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 13 फरवरी 2004

का.आ. 464.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) के खण्ड 2 की धारा (क) के अनुसार केन्द्रीय सरकार नीचे दी गई अनुसूची के कालम 1 में वर्णित प्राधिकारी को उपरोक्त नियम के अन्तर्गत उपरोक्त अनुसूची के कालम 2 में दर्ज की गई प्रविष्टि में वर्णित क्षेत्र के लिये सक्षम प्राधिकारी का कार्य करने के लिये प्राधिकृत करती है।

अनुसूची

प्राधिकारी	पता	क्षेत्र
1	2	3
उपायुक्त	गोलाघाट, असम	जिला, गोलाघाट, असम

[सं. ओ-12016/1/2004-ओएनजीडी-IV]

एन. सी. जाखूप, अवर सचिव

New Delhi, the 13th February, 2004

S.O. 464.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Govt. hereby authorise the authority mentioned in column 1 of the schedule below to perform the functions of the competent authority under the said Act within the areas mentioned in the corresponding entry in column 2 of the said schedule.

SCHEDULE

Authority	Address	Area
1	2	3
Deputy Commissioner	Golaghat, Assam	Dist. of Golaghat Assam

[No. O-12016/1/2004-ONGD-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 23 फरवरी, 2004

का. आ. 465.— केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि कोयली - सिद्धपुर - सांगानेर से अजमेर तक पेट्रोलियम उत्पाद के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री सुनील शर्मा सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, 33, मुक्तानंद नगर, गोपालपुरा बाई-पास जयपुर (राजस्थान) 302 018, को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : अजमेर

जिला : अजमेर

राज्य : राजस्थान

गाँव का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
ककलाना	1437/1	0	00	20
	1439	0	08	80
	1440/2	0	03	20
	1426	0	03	80
	1429	0	05	80

1	2	3	4	5
	1418	0	00	20
	1433	0	04	60
	1432	0	12	00
	1431	0	01	00
	1415	0	00	20
	1377	0	00	20
	1376	0	00	40
	1373	0	00	40
	1372	0	00	20
	707	0	06	00
	704	0	06	40
	706	0	00	40
	703	0	08	40
	661	0	01	00
	660	0	10	00
	659	0	08	00
	657	0	15	60
	664	0	04	40
	665	0	00	20
	656	0	03	00
	654	0	02	00
	654/1602	0	06	00
	648	0	04	60
	646	0	08	80
	647/1	0	01	20
	645	0	06	80
	640/1	0	03	60
	640/2	0	00	40
	638	0	09	20
लच्छीपुरा	301	0	00	40
	336	0	35	80
	335	0	00	40
	307	0	04	00
	327	0	05	40
	326	0	00	60

1	2	3	4	5
	324	0	01	20
	325	0	07	20
	322	0	00	20
	273	0	06	40
	274	0	02	20
	276	0	04	20
	277	0	03	20
	282	0	01	20
	278	0	01	20
	281	0	04	00
	241	0	03	20
	239	0	00	20
	237	0	02	00
	236	0	05	20
	234	0	01	80
	233	0	03	20
	232	0	03	40
	226	0	07	80
	225	0	07	20
	223	0	01	40
	222	0	10	60
	217	0	02	20
	220	0	08	60
	219/1	0	09	20
	218/1	0	07	80
हट्टण्डी	1587 मिन	0	20	60
	1586	0	15	80
	1581	0	13	00
	1580	0	07	00
	1579	0	08	40
	1578	0	00	20
	1418	0	00	20
तबीजी	3578	0	32	00
	3575	0	08	60
	3574	0	12	60

1	2	3	4	5
	3554	0	26	20
	3555	0	11	40
	3541	0	03	60
	3540	0	08	40
	3544	0	00	60
	3545	0	06	60
	3537	0	00	60
	3536	0	13	60
	3549	0	08	80
	3550	0	04	60
	3530	0	07	00
	3507	0	05	40
	3511	0	07	80
	3504	0	00	60
	3512	0	07	60
	3503	0	00	20
	3502	0	13	00
	3485	0	09	20
	3489	0	13	40
	3488	0	09	00
	3477	0	00	80
	3478	0	12	40
	3476	0	02	00
	3468	0	13	20
	3467	0	01	60
	3462	0	05	40
	3461	0	10	40
	3457	0	01	80
	3480	0	04	80
	3427	0	02	80
	3430	0	01	20
	3431	0	03	20
	3435	0	04	20
	3436	0	09	40
	3441	0	10	60
	3406	0	04	00

1	2	3	4	5
	3408	0	10	00
	3410	0	01	40
	3387	0	03	60
	3388	0	26	80
	3343	0	02	80
	1967	0	09	00
	1966	0	05	80
	1964	0	05	00
	1963	0	07	80
	1969	0	00	60
	1970	0	11	00
	1972	0	02	80
	1974	0	04	60
	1973	0	11	20
	2005	0	00	20
	2009	0	00	20
	2008	0	12	40
	2007	0	02	20
	2015	0	05	80
	2014	0	00	40
	2016	0	10	20
	2017	0	01	00
	2018	0	11	60
	2019	0	04	60
	2633	0	09	00
	2634	0	05	80
	2637	0	07	80
	2639	0	17	60
	2690	0	16	60
	2688	0	19	40
	3048	0	00	60
	3049	0	18	40
	3050	0	00	20
	3040	0	03	80
	3039	0	02	20

1	2	3	4	5
	3038	0	04	00
	3036	0	04	60
	3035	0	07	40
	3033	0	15	00
	3034	0	00	20
	2965	0	20	80
	2962	0	01	00
	2967	0	08	20
	2968	0	11	20
	2969	0	02	20
	2970	0	00	20
	2937	0	01	00
	2936	0	10	40
	2930	0	10	00
	2931	0	00	80
	2925	0	01	80
	2929	0	00	60
	2927	0	00	20
	2924	0	08	80
	2923	0	02	40
	2919	0	09	00
	2915	0	12	00
दौराई	710	0	05	40
	711	0	06	80
	712	0	04	00
	720	0	05	20
	719	0	00	20
	721	0	05	60
	722	0	08	00
	723	0	04	00
	709	0	00	20
	620	0	05	60
	621	0	00	20
	622	0	10	80
	628	0	01	20

1	2	3	4	5
	629	0	03	80
	631	0	05	60
	630	0	12	20
	638	0	12	80
	639	0	06	40
	682	0	00	20
	684	0	04	40
	685	0	19	20
	1187	0	08	60
	1188 मिन	0	06	40
	1182	0	23	60
	1181	0	07	20
	1171	0	05	00
	1172	0	00	20
	1170	0	04	80
	1655	0	02	20
	1651	0	06	60
	1650	0	02	40
	1652	0	03	60
	1648	0	10	80
	1649	0	00	40
	1647	0	00	20
	1646	0	09	80
	1641	0	01	20
	1642	0	06	80
	1640	0	01	00
	1639	0	01	60
	1638	0	09	60
	1635	0	07	20
	1634	0	06	40
	1630	0	07	40
	1631	0	12	00
	1618	0	00	80
	1617	0	02	60
	1538	0	01	40

1	2	3	4	5
	1540	0	17	00
	1541	0	15	20
	1544	0	13	00
	1545	0	01	00
	1543	0	01	40
	1546	0	02	00
	1507	0	00	40
	1508	0	03	40
	1468	0	16	00
	1476	0	05	20

[फ़ा. सं. आर-25011/2/2004-ओ.आर-1]
रेणुका कुमार, अवर सचिव

New Delhi, the 23rd February, 2004

6. S. O. 465.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Product from Koyali – Sidhpur – Sanganer to Ajmer, a pipeline may be laid by the Indian Oil Corporation Limited:

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Sunil Sharma, Competent Authority, Indian Oil Corporation Limited, 33, Muktanand Nagar, Gopal Pura Bye-Pass, Jaipur – 302018.

SCHEDULE**Tehsil : Ajmer****District : Ajmer****State : Rajasthan**

Name of Village	Khasara No.	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
Kaklana	1437/1	0	00	20
	1439	0	08	80
	1440/2	0	03	20
	1426	0	03	80
	1429	0	05	80
	1418	0	00	20
	1433	0	04	60
	1432	0	12	00
	1431	0	01	00
	1415	0	00	20
	1377	0	00	20
	1376	0	00	40
	1373	0	00	40
	1372	0	00	20
	707	0	06	00
	704	0	06	40
	706	0	00	40
	703	0	08	40
	661	0	01	00
	660	0	10	00
	659	0	08	00
	657	0	15	60
	664	0	04	40
	665	0	00	20
	656	0	03	00
	654	0	02	00
	654/1602	0	06	00
	648	0	04	60
	646	0	08	80
	647/1	0	01	20

1	2	3	4	5
Lacchipura	645	0	06	80
	640/1	0	03	60
	640/2	0	00	40
	638	0	09	20
	301	0	00	40
	336	0	35	80
	335	0	00	40
	307	0	04	00
	327	0	05	40
	326	0	00	60
	324	0	01	20
	325	0	07	20
	322	0	00	20
	273	0	06	40
	274	0	02	20
	276	0	04	20
	277	0	03	20
	282	0	01	20
	278	0	01	20
	281	0	04	00
	241	0	03	20
	239	0	00	20
	237	0	02	00
	236	0	05	20
	234	0	01	80
	233	0	03	20
	232	0	03	40
	226	0	07	80
	225	0	07	20
	223	0	01	40
	222	0	10	60
	217	0	02	20
	220	0	08	60
	219/1	0	09	20
	218/1	0	07	80

1	2	3	4	5
Hatundi	1587 Min	0	20	60
	1586	0	15	80
	1581	0	13	00
	1580	0	07	00
	1579	0	08	40
	1578	0	00	20
	1418	0	00	20
	3578	0	32	00
Tabiji	3575	0	08	60
	3574	0	12	60
	3554	0	26	20
	3555	0	11	40
	3541	0	03	60
	3540	0	08	40
	3544	0	00	60
	3545	0	06	60
	3537	0	00	60
	3536	0	13	60
	3549	0	08	80
	3550	0	04	60
	3530	0	07	00
	3507	0	05	40
	3511	0	07	80
	3504	0	00	60
	3512	0	07	60
	3503	0	00	20
	3502	0	13	00
	3485	0	09	20
	3489	0	13	40
	3488	0	09	00
	3477	0	00	80
	3478	0	12	40
	3476	0	02	00
	3468	0	13	20
	3467	0	01	60

1	2	3	4	5
	3462	0	05	40
	3461	0	10	40
	3457	0	01	80
	3480	0	04	80
	3427	0	02	80
	3430	0	01	20
	3431	0	03	20
	3435	0	04	20
	3436	0	09	40
	3441	0	10	60
	3406	0	04	00
	3408	0	10	00
	3410	0	01	40
	3387	0	03	60
	3388	0	26	80
	3343	0	02	80
	1967	0	09	00
	1966	0	05	80
	1964	0	05	00
	1963	0	07	80
	1969	0	00	60
	1970	0	11	00
	1972	0	02	80
	1974	0	04	60
	1973	0	11	20
	2005	0	00	20
	2009	0	00	20
	2008	0	12	40
	2007	0	02	20
	2015	0	05	80
	2014	0	00	40
	2016	0	10	20
	2017	0	01	00
	2018	0	11	60
	2019	0	04	60

1	2	3	4	5
	2633	0	09	00
	2634	0	05	80
	2637	0	07	80
	2639	0	17	60
	2690	0	16	60
	2688	0	19	40
	3048	0	00	60
	3049	0	18	40
	3050	0	00	20
	3040	0	03	80
	3039	0	02	20
	3038	0	04	00
	3036	0	04	60
	3035	0	07	40
	3033	0	15	00
	3034	0	00	20
	2965	0	20	80
	2962	0	01	00
	2967	0	08	20
	2968	0	11	20
	2969	0	02	20
	2970	0	00	20
	2937	0	01	00
	2936	0	10	40
	2930	0	10	00
	2931	0	00	80
	2925	0	01	80
	2929	0	00	60
	2927	0	00	20
	2924	0	08	80
	2923	0	02	40
	2919	0	09	00
	2915	0	12	00
Dourai	710	0	05	40
	711	0	06	80

1	2	3	4	5
	712	0	04	00
	720	0	05	20
	719	0	00	20
	721	0	05	60
	722	0	08	00
	723	0	04	00
	709	0	00	20
	620	0	05	60
	621	0	00	20
	622	0	10	80
	628	0	01	20
	629	0	03	80
	631	0	05	60
	630	0	12	20
	638	0	12	80
	639	0	06	40
	682	0	00	20
	684	0	04	40
	685	0	19	20
	1187	0	08	60
	1188 Min	0	06	40
	1182	0	23	60
	1181	0	07	20
	1171	0	05	00
	1172	0	00	20
	1170	0	04	80
	1655	0	02	20
	1651	0	06	60
	1650	0	02	40
	1652	0	03	60
	1648	0	10	80
	1649	0	00	40
	1647	0	00	20
	1646	0	09	80
	1641	0	01	20

1	2	3	4	5
	1642	0	06	80
	1640	0	01	00
	1639	0	01	60
	1638	0	09	60
	1635	0	07	20
	1634	0	06	40
	1630	0	07	40
	1631	0	12	00
	1618	0	00	80
	1617	0	02	60
	1538	0	01	40
	1540	0	17	00
	1541	0	15	20
	1544	0	13	00
	1545	0	01	00
	1543	0	01	40
	1546	0	02	00
	1507	0	00	40
	1508	0	03	40
	1468	0	16	00
	1476	0	05	20

[No. R-25011/2/2004-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 23 फरवरी, 2004

का. आ. 466.— केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि कोयली - सिद्धपुर - सांगानेर से अजमेर तक पेट्रोलियम उत्पाद के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री सुनील शर्मा सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, 33, मुक्तानंद नगर, गोपालपुरा बाई-पास जयपुर (राजस्थान) 302 018, को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : नसीराबाद

जिला : अजमेर

राज्य : राजस्थान

गाँव का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
धोलार्दाता	602	0	12	20
	608	0	04	60
	600	0	01	80
	609	0	15	60
	594	0	03	20
	590	0	07	60
	589	0	02	80
	588	0	07	80
	587	0	03	60
	541	0	11	00
	542	0	09	00
	543	0	00	20
	546	0	06	60
	547	0	03	40
	534	0	06	40
	537	0	00	60
	535	0	01	20

1	2	3	4	5
	536	0	09	20
	303	0	07	80
	302	0	04	20
	301	0	04	60
	300	0	08	00
	290/2	0	09	80
	288	0	03	80
	289	0	05	20
	284	0	06	20
	283	0	05	60
	270	0	07	80
	267	0	01	00
	269	0	00	60
	268	0	08	00
	265	0	06	60
	261	0	00	20
	264	0	05	00
	263	0	20	60
	262	0	00	40
	333	0	00	60
बिठूर	2652	0	07	40
	2649	0	05	80
	2648	0	08	40
	2647	0	07	20
	2646	0	08	20
	2640	0	11	80
	2639	0	08	00
	2638/1	0	13	80
	2637/2	0	00	40
	2636	0	09	80
	2635	0	06	60
	2621	0	00	40
	2622	0	01	80
	2615	0	02	40
	2614	0	03	40
	2609	0	04	20
	2610	0	09	80
	2606	0	09	40

1	2	3	4	5
चैनपुरा	6851	0	10	60
	6850	0	11	80
	6848	0	11	20
	6846	0	00	20
	6817	0	26	20
	6816	0	04	00
	6812	0	05	60
	6813	0	12	20
	6805	0	02	20
	6814	0	10	00
	6803	0	00	20
	6761	0	00	20
	6762/1	0	12	80
	6762/2	0	03	40
	6763	0	09	40
	6764	0	02	00
	6766/1	0	06	80
	6765/2	0	00	20
	6755	0	12	60
	6754	0	12	00
	2646	0	05	20
	2645	0	08	40
	2644	0	00	20
	2171	0	05	40
	2172	0	02	20
	2170	0	04	60
	2173	0	02	00
	2169	0	00	20
	2174	0	06	00
	2175	0	01	60
	2189	0	00	20
	2176	0	03	20
	2183	0	01	00
	2184	0	00	20
	2187	0	01	80
	2186	0	02	80
	2203	0	05	40
	2202	0	10	20
	2072	0	13	20

1	2	3	4	5
	2073	0	10	80
	2074	0	00	20
	2030	0	03	20
	2031	0	08	60
	2029	0	01	60
	2028	0	05	60
	2017	0	13	40
	2016	0	02	20
	2014	0	01	00
	2018	0	00	80
	1980	0	10	20
	1973	0	23	00
भवानीखेडा	2582	0	00	20
	2571	0	03	80
	2563	0	06	00
	2562	0	02	20
	2561	0	05	00
	2533	0	06	60
	2534	0	00	60
	2540	0	01	40
	2539	0	08	40
	2524	0	03	20
	2523	0	11	60
	2517	0	00	20
	2518	0	09	20
	2494	0	02	20
	2493	0	04	60
	2519	0	00	60
	2492	0	05	40
	2491	0	07	40
	2464	0	05	40
	2463	0	01	80
	2465	0	19	40
	2466	0	01	00
	1871	0	10	20
	1826	0	04	20
	1827	0	07	00
	1828	0	00	20
	1821	0	08	00
	1820	0	01	00

1	2	3	4	5
	1710/2	0	31	60
	1707	0	11	00
	1706	0	07	00
	1700	0	02	40
	1699	0	03	20
	1676	0	04	60
	1677	0	03	00
	1675	0	03	40
	1678	0	01	80
	1679	0	01	20
	1680	0	02	20
	1681	0	03	20
	1682	0	06	00
	1684	0	03	40
	1685	0	01	80
	1558	0	00	40
	1559	0	00	20
	1560	0	00	20
	1557	0	05	60
	1582	0	02	20
	1584	0	02	40
	1581	0	03	80
	1580	0	09	20
	1590	0	02	40
	1591	0	06	20
	1598	0	04	60
	1593	0	00	80
	1594	0	02	60
	1597	0	00	20
	1595	0	04	40
	1642	0	00	40
	1604	0	01	40
	1641	0	05	60
	1640	0	04	40
	1611	0	00	80
	1612	0	05	40
	1613 मिन	0	07	80
	1614	0	00	20
	1615	0	03	00
	1442	0	08	60

1	2	3	4	5
चाट सरदारपुरा	1966	0	00	20
	1972/2	0	00	20
	1971/1	0	08	20
	1967/2	0	05	60
	1968/2	0	03	20
	1970	0	00	60
	1642	0	12	80
	1723	0	02	00
	1724	0	04	20
	1721	0	04	80
	1726	0	06	60
	1728	0	04	60
	1729	0	02	80
	1730	0	01	20
	1731	0	02	00
	1734	0	03	00
	1736	0	04	40
	1737	0	04	00
	1743	0	05	60
	1744	0	00	20
	1745	0	05	20
	1742	0	03	20
	1740	0	08	00
	1741	0	03	20
	1697	0	03	20
	1698	0	08	00
	1696	0	00	20
	1700	0	00	20
	1693	0	07	20
	1699	0	02	40
	1692	0	09	40
	1691	0	00	20
	1687/1	0	04	20
	1687/2	0	00	80
	1685/1	0	04	80
	1684 मिन	0	04	40
	1683	0	05	00
	1681	0	01	20
	1218	0	09	40
	1219	0	01	60

1	2	3	4	5
	1204	0	10	60
	1203	0	05	40
	1202	0	05	40
	1199	0	33	20
	1130	0	13	80

[फा. सं. आर-25011/2/2004-ओ.आर.-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 23rd February, 2004

§ S. O. 466.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Product from Koyali – Sidhpur – Sanganer to Ajmer, a pipeline may be laid by the Indian Oil Corporation Limited:

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Sunil Sharma, Competent Authority, Indian Oil Corporation Limited, 33, Muktanand Nagar, Gopal Pura Bye-Pass, Jaipur – 302018.

SCHEDULE**Tehsil : Nasirabad****District : Ajmer****State : Rajasthan**

Name of Village	Khasara No.	Area		
		Hectare	Are	Sq.mtr.
1	2	3	4	5
Dholadanta	602	0	12	20
	608	0	04	60
	600	0	01	80
	609	0	15	60
	594	0	03	20
	590	0	07	60
	589	0	02	80
	588	0	07	80
	587	0	03	60
	541	0	11	00
	542	0	09	00
	543	0	00	20
	546	0	06	60
	547	0	03	40
	534	0	06	40
	537	0	00	60
	535	0	01	20
	536	0	09	20
	303	0	07	80
	302	0	04	20
	301	0	04	60
	300	0	08	00
	290/2	0	09	80
	288	0	03	80
	289	0	05	20
	284	0	06	20
	283	0	05	60
	270	0	07	80
	267	0	01	00
	269	0	00	60
	268	0	08	00
	265	0	06	60
	261	0	00	20

1	2	3	4	5
Bithur	264	0	05	00
	263	0	20	60
	262	0	00	40
	333	0	00	60
	2652	0	07	40
	2649	0	05	80
	2648	0	08	40
	2647	0	07	20
	2646	0	08	20
	2640	0	11	80
	2639	0	08	00
	2638/1	0	13	80
	2637/2	0	00	40
	2636	0	09	80
	2635	0	06	60
	2621	0	00	40
	2622	0	01	80
	2615	0	02	40
	2614	0	03	40
	2609	0	04	20
	2610	0	09	80
	2606	0	09	40
Chainpura	6851	0	10	60
	6850	0	11	80
	6848	0	11	20
	6846	0	00	20
	6817	0	26	20
	6816	0	04	00
	6812	0	05	60
	6813	0	12	20
	6805	0	02	20
	6814	0	10	00
	6803	0	00	20
	6761	0	00	20
	6762/1	0	12	80
	6762/2	0	03	40
	6763	0	09	40
	6764	0	02	00
	6766/1	0	06	80
	6765/2	0	00	20

1	2	3	4	5
	6755	0	12	60
	6754	0	12	00
	2646	0	05	20
	2645	0	08	40
	2644	0	00	20
	2171	0	05	40
	2172	0	02	20
	2170	0	04	60
	2173	0	02	00
	2169	0	00	20
	2174	0	06	00
	2175	0	01	60
	2189	0	00	20
	2176	0	03	20
	2183	0	01	00
	2184	0	00	20
	2187	0	01	80
	2186	0	02	80
	2203	0	05	40
	2202	0	10	20
	2072	0	13	20
	2073	0	10	80
	2074	0	00	20
	2030	0	03	20
	2031	0	08	60
	2029	0	01	60
	2028	0	05	60
	2017	0	13	40
	2016	0	02	20
	2014	0	01	00
	2018	0	00	80
	1980	0	10	20
	1973	0	23	00
Bhawanikheda	2582	0	00	20
	2571	0	03	80
	2563	0	06	00
	2562	0	02	20
	2561	0	05	00
	2533	0	06	60
	2534	0	00	60
	2540	0	01	40

1	2	3	4	5
	2539	0	08	40
	2524	0	03	20
	2523	0	11	60
	2517	0	00	20
	2518	0	09	20
	2494	0	02	20
	2493	0	04	60
	2519	0	00	60
	2492	0	05	40
	2491	0	07	40
	2464	0	05	40
	2463	0	01	80
	2465	0	19	40
	2466	0	01	00
	1871	0	10	20
	1826	0	04	20
	1827	0	07	00
	1828	0	00	20
	1821	0	08	00
	1820	0	01	00
	1710/2	0	31	60
	1707	0	11	00
	1706	0	07	00
	1700	0	02	40
	1699	0	03	20
	1676	0	04	60
	1677	0	03	00
	1675	0	03	40
	1678	0	01	80
	1679	0	01	20
	1680	0	02	20
	1681	0	03	20
	1682	0	06	00
	1684	0	03	40
	1685	0	01	80
	1558	0	00	40
	1559	0	00	20
	1560	0	00	20
	1557	0	05	60
	1582	0	02	20

1	2	3	4	5
	1584	0	02	40
	1581	0	03	80
	1580	0	09	20
	1590	0	02	40
	1591	0	06	20
	1598	0	04	60
	1593	0	00	80
	1594	0	02	60
	1597	0	00	20
	1595	0	04	40
	1642	0	00	40
	1604	0	01	40
	1641	0	05	60
	1640	0	04	40
	1611	0	00	80
	1612	0	05	40
	1613 Min	0	07	80
	1614	0	00	20
	1615	0	03	00
	1442	0	08	60
Chat Sardarpura	1966	0	00	20
	1972/2	0	00	20
	1971/1	0	08	20
	1967/2	0	05	60
	1968/2	0	03	20
	1970	0	00	60
	1642	0	12	80
	1723	0	02	00
	1724	0	04	20
	1721	0	04	80
	1726	0	06	60
	1728	0	04	60
	1729	0	02	80
	1730	0	01	20
	1731	0	02	00
	1734	0	03	00
	1736	0	04	40
	1737	0	04	00
	1743	0	05	60
	1744	0	00	20
	1745	0	05	20

1	2	3	4	5
	1742	0	03	20
	1740	0	08	00
	1741	0	03	20
	1697	0	03	20
	1698	0	08	00
	1696	0	00	20
	1700	0	00	20
	1693	0	07	20
	1699	0	02	40
	1692	0	09	40
	1691	0	00	20
	1687/1	0	04	20
	1687/2	0	00	80
	1685/1	0	04	80
	1684 Min	0	04	40
	1683	0	05	00
	1681	0	01	20
	1218	0	09	40
	1219	0	01	60
	1204	0	10	60
	1203	0	05	40
	1202	0	05	40
	1199	0	33	20
	1130	0	13	80

[No. R-25011/2/2004-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 23 फरवरी, 2004

का. आ. 467.— केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक, राजस्थान राज्य में चाकसू से होती हुई अपरिष्कृत तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त पाइपलाइन बिछाई जाने के प्रयोजन के लिए उस भूमि में जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री सुनील शर्मा सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, 33, मुक्तानंद नगर, गोपालपुरा बाई-पास जयपुर (राजस्थान) 302 018, को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : ब्यावर		जिला : अजमेर		राज्य : राजस्थान	
गाँव का नाम	खसरा सं.	क्षेत्रफल			वर्ग मीटर
		हेक्टेयर	एयर		
1	2	3	4		5
बाडिया श्यामा	549	0	15		63

[फा. सं. आर-25011/08/2001-ओ.आर-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 23rd February, 2004

S. O. 467.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline may be laid by the Indian Oil Corporation Limited:

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declare its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Sunil Sharma, Competent Authority, Salaya-Mathura Pipeline (Augmentation) Project, Indian Oil Corporation Limited, 33, Muktanand Nagar, Gopal Pura Bye-Pass, Jaipur – 302018.

SCHEDULE

Tehsil : BEAWAR		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
BADIYA SHYAMA	549	0	15	63	

[No. R-25011/08/2001-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 23 फरवरी, 2004

का. आ. 468.— केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में बिरमगाम से हरियाणा राज्य में पानीपत तक, राजस्थान राज्य में चाकसू से होती हुई अपरिष्कृत तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त पाइपलाइन बिछाई जाने के प्रयोजन के लिए उस भूमि में जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री सुनील शर्मा सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, 33, मुक्तानंद नगर, गोपालपुरा बाई-पास जयपुर (राजस्थान) 302 018, को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : नसीराबाद		जिला : अजमेर		राज्य : राजस्थान	
गाँव का नाम	खसरा सं.	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
(1)	(2)	(3)	(4)	(5)	
समोद	3510	0	01	90	

[फा. सं. आर-25011/39/2001-ओ.आर.-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 23rd February, 2004

S. O. 468.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline may be laid by the Indian Oil Corporation Limited:

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declare its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Sunil Sharma, Competent Authority, Salaya-Mathura Pipeline (Augmentation) Project, Indian Oil Corporation Limited, 33, Muktanand Nagar, Gopal Pura Bye-Pass, Jaipur – 302018.

SCHEDULE

Tehsil : NASIRABAD		District : AJMER		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
(1)	(2)	(3)	(4)	(5)	
SANOD	3510	0	01	90	

[No. R-25011/39/2001-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 23 फरवरी, 2004

का.आ. 469.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2132 तारीख 26 जून 2002 द्वारा गुजरात राज्य के ग्राम अल्दर, तालुका भरूच, जिला भरूच से ग्राम भेच्छन तालुका आमोद जिला भरूच तक प्राकृतिक गैस के परिवहन के लिए उस अधिसूचना से उपबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जन करने के आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 24 जुलाई 2002 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से उपबद्ध अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय गुजरात स्टेट पेट्रोलियम कोर्पोरेशन लिमिटेड, गांधीनगर में सभी विल्लंगों से मुक्त निहित होगा।

अनुसूची

जिला : भरूच				राज्य : गुजरात		
तालुका का नाम	गाँव का नाम	सर्वेक्षण स. / खण्ड स.	उप-खण्ड सं	क्षेत्रफल		
				हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7
भरूच	टंकारिया	1450		00	03	35
		1501		00	00	80
		1546		00	02	03
		1555		00	00	75

1	2	3	4	5	6	7
		1556		00	00	40
		1557		00	01	17
		1570		00	03	76
		1196		00	02	92
		1112		00	01	50
		1115		00	04	83
भरतच	डीकारिया	1028		00	04	30
		999		00	00	98
		79		00	12	55
		80		00	16	65
		82		00	05	11
		96		00	15	32
		122		00	09	66
		123		00	00	88
		124		00	01	47
		131		00	01	21
		148		00	03	80
		146		00	04	54
		205		00	01	60
आमोद	ओच्छन	594		00	00	50
		595		00	10	13
		599		00	03	82
		409		00	02	63
		405		00	01	17
		399		00	03	21
अमोद	ओच्छन	400		00	00	75
		371		00	04	81
		347		00	01	48
		41		00	02	45
		40		00	03	03
		622		00	02	00
		578		00	01	55

[फा. सं. एल.-14014/4/99-जी.पी.(भाग)]

स्वामी सिंह, निदेशक

New Delhi, the 23rd February, 2004

S. O. 469.— Whereas by notification of the Government of India, Ministry of Petroleum and Natural Gas Number S.O. 2132, dated the 26th June, 2002, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the Right of User in the land specified in the Schedule annexed to that notification for the purpose of laying pipeline for the transportation of Natural Gas from Village Aldar, Taluka Bharuch, District Bharuch to village Ochchham, Taluka, Amod, District Bharuch of Gujarat State.

And whereas, the copies of the said gazette notification were made available to the public from the 24th July, 2002;

And whereas, the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the, Central Government has after considering the said report decided to acquire the Right of User in the Land specified in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule annexed to this notification is hereby acquired for laying the pipeline;

And further, in exercise of powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land, shall instead of vesting in the Central Government, vests in the Gujarat State Petroleum Corporation Limited, Gandhinagar free from all encumbrances.

Schedule

District : Bharuch				State : Gujarat		
Name of Taluka	Name of Village	Survey / Block No.	Sub-Division No.	Area		
				Hect	Are	Centiare
1	2	3	4	5	6	7
Bharuch	Tankariya	1450		00	03	35
		1501		00	00	80
		1546		00	02	03
		1555		00	00	75
		1556		00	00	40
		1557		00	01	17
		1570		00	03	76

1	2	3	4	5	6	7
		1196		00	02	92
		1112		00	01	50
		1115		00	04	83
Bharuch	Thikariya	1028		00	04	30
		999		00	00	98
		79		00	12	55
		80		00	16	65
		82		00	05	11
		96		00	15	32
		122		00	09	66
		123		00	00	88
		124		00	01	47
		131		00	01	21
		148		00	03	80
		146		00	04	54
		205		00	01	60
Amod	Ochchhan	594		00	00	50
		595		00	10	13
		599		00	03	82
		409		00	02	63
		405		00	01	17
		399		00	03	21
		400		00	00	75
		371		00	04	81
		347		00	01	48
		41		00	02	45
		40		00	03	03
		622		00	02	00
		578		00	01	55

[No. L-14014/4/99-G.P.(Part)]
SWAMI SINGH, Director

नई दिल्ली, 24 फरवरी, 2004

का. का.आ. 470.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962) (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का. आ. 2591 तारीख 05 सितम्बर, 2003 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू पानीपत और चाकसू मथुरा सेक्शनों के संवर्धन के कार्यान्वयन के लिए, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा अपरिष्कृत तेल के परिवहन के लिए गुजरात में विरमगाम से राजस्थान राज्य के चाकसू से होते हुए हरियाणा राज्य में पानीपत तक पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 19 सितम्बर 2003 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनंसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालूका : वडवागाम		जिला : बनासकांठ		राज्य : गुजरात	
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
तेनीवाडा	178	3	0	13	38
	178	2	0	07	48
	178	1	0	07	15
	178	5	0	04	38
	178	6	0	04	50

[फा. सं. आर-25011/21/2001-ओ.आर.-1]

New Delhi, the 24th February, 2004

S.C S. O. 470.—Whereas by the Notification of the Government of India in the Ministry of Petroleum and Natural Gas, S.O. number 2591 dated the 5th September, 2003 issued under Sub – Section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil corporation Limited for implementing the "Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu- Mathura Sections of Salaya-Mathura Pipeline System Project.

And, whereas, copy of the said notification was made available to the general public on 19th September 2003.

And, whereas, the competent authority has under sub – section (1) of Section 6 of the said Act, has submitted his report to the Central Government;

And, whereas, the Central Government after considering the said report is satisfied that the Right of User in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule appended to this notification is hereby acquired;

And, further in exercise of the powers conferred by Sub.-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of user in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

TALUKA : VADGAM		DISTRICT : BANASKANTHA		STATE: GUJARAT	
Name of the village	Survey No.	Sub-Division No.	Area		
			Hectare	Area	Sq.Mtr.
	2	3	4	5	6
TENIWADA	178	3	0	13	38
	178	2	0	07	48
	178	1	0	07	15
	178	5	0	04	38
	178	6	0	04	50

[No. R-25011/21/2001-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 26 फरवरी, 2004

का.आ. 471.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को, उक्त अनुसूची के स्तम्भ (2) में उल्लिखित क्षेत्र के संबंध में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है, अर्थात् :—

अनुसूची

प्राधिकारी का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्री अशोक कुमार दास, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पारादीप-हल्दिया पाइपलाइन परियोजना, मार्केटिंग डिवाइजन हाउसिंग काम्प्लेक्स, मेघदम्बारा कुरुदा, बालासोर, (उड़ीसा)	उड़ीसा राज्य

[संख्या आर. 25011/14/2003-ओ.आर.-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 26th February, 2004

S.O. 471.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority under the said Act, in respect of the areas mentioned in column (2) of the said Schedule, namely :—

SCHEDULE

Name and address of the Authority	Area of Jurisdiction
(1)	(2)
Shri Ashok Kumar Dash, Competent Authority, Indian Oil Corporation Limited, Paradip-Haldia Pipeline Project, Marketing Division Housing Complex, Meghadambara Kururda, Balasore (Orissa)	State of Orissa

[No. R-25011/14/2003-OR-1]

RENUKA KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 28 जनवरी, 2004

का. आ. 472.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बेल्लारी ऑयरन ओरस प्रा. लि. के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 2/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-1-04 को प्राप्त हुआ था।

[सं. एल. 26011/3/2001-आई.आर. (विविध)]

बी.एम. डेविड, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 28th January, 2004

S. O. 472.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bellary Iron Ores Pvt. Ltd. and their workmen which was received by the Central Government on 22-1-04.

[No. L-26011/3/2001-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD

PRESENT:

SHRI E. ISMAIL, B.SC., LL.B., Presiding Officer

Dated the 28th day of November, 2003

INDUSTRIAL DISPUTE NO. 2/2002

BETWEEN:

Sri K. Soma Shekar,
President,
Samyuktha Gani Karmika Sangha,
9/1, Kalamma Street,
Bellary-583 101.

.... Petitioner

AND

Sri S.K. Modi,
Managing Director,
Bellary Iron Ores Pvt. Ltd.,
Adm. Office : 60/356-A,
Modi Bhavan, Hospet Road,
Allipur, Bellary-583 105.

.... Respondent

APPEARANCES:

For the Petitioner : Sri K. Somashekar,
President,
S.G.K. Sangh,
Representative.

For the Respondent : Sri C. Vijayashekar Reddy,
Advocate

AWARD

The Government of India, Ministry of Labour by its order No L-26011/3/2001-IR(M) dated 7-12-2001 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Bellary Iron Ores Pvt. Ltd., and their workman. The reference is,

SCHEDULE

“Whether the action of the management of Bellary Iron Ore Mines (P) Ltd., in retrenching the services of the 30 piece rated workmen is justified or not? If not, what relief the applicants are entitled for?”

The reference is numbered in this Tribunal as I.D. No. 2/2002 and notices were issued to the parties.

2. In spite of several adjournments given from 21-1-2003 for evidence of Petitioner for ten adjournments including 28-11-2003 the petitioner has not turned out. No representation till 3 P.M. Petitioner's representative is not interested from 15-7-2003. There is nothing on record to support the case of the Petitioner union. Therefore, a 'Nil' Award is passed. Transmit.

Dictated to Kum K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 28th day of November, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 28 जनवरी, 2004

का. आ. 473.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. हेमाद्री सीमेंट्स लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 50/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-1-04 को प्राप्त हुआ था।

[सं. 2, दि. 22/1/04]

बी.एम. डेविड, अवर सचिव

New Delhi, the 28th January, 2004

S.O. 473.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 50/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Hemadri Cements Ltd. and their workmen which was received by the Central Government on 22-1-04.

[No. 2, dt. 22/1/04]

B.M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

PRESENT:

SHRI E. ISMAIL, B.SC., L.L.B., Presiding Officer

Dated the 30th day of April, 2003

INDUSTRIAL DISPUTE NO. L.C.I.D. 50/2003
(Old I.D. No 194/97 transferred from Labour
Court, Guntur)

BETWEEN:

1. Chakrapani Sarma (Died)
2. Sri O. Krishna Prasad.
S/o Late Chakrapani Sarma.
R/o Penukanchiprole Post & Mandal,
Krishna District.
3. Ms. O. Saritha.
C/o Prem Bahadur.
R/o Penukanchiprole Post & Mandal,
Krishna District. Petitioners

AND

The General Manager.
M/s. Hemadri Cements Limited.
Vedadri, Jaggaiahpet. Respondents

APPEARANCES:

For the Petitioner : Sri V. Vithal Prasad.
Advocate

For the Respondent : M/s. Y. Seetha Ramaiah &
D. Babu Rao, Advocates

AWARD

This case I.D. No. 194/1997 is transferred from Labour Court, Guntur in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 and renumbered in this Court as L.C.I.D. No. 50/2003. This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High

Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. In spite of several adjournments given from 20-2-2003 for hearing on IA, for four adjournments including 30-4-2003 the petitioners have not turned out. They are not evincing any interest. There is nothing on record to support the case of the Petitioners. Therefore, it is held that the petitioners are not entitled for any relief.

Accordingly a 'Nil' Award is passed, Transmit.

Dictated to Kum K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 30th day of November, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
--	--

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 28 जनवरी, 2004

का. आ. 474.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन ऑयल कार्पो. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 144/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-1-04 को प्राप्त हुआ था।

[अ. सं. 3, दि. 22/1/04]

बी. एम. डेविड, अवर सचिव

New Delhi, the 28th January, 2004

S.O. 474.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 144/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Oil Corpn. Ltd. and their workmen which was received by the Central Government on 22-1-04.

[Dy. No.3, dt. 22/1/04]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

SHRI E. ISMAIL, Presiding Officer

Dated the 31st day of December, 2002

INDUSTRIAL DISPUTE No. L.C.I.D. 144/2002
(Old I.D. No 242/99 transferred from Industrial
Tribunal Cum-Labour Court, Guntur)

BETWEEN:

Sri P.V. Padma Raj,
S/o P.V. Sudershan,
R/o 532/J, Bogguline Qtrs.,
Vijayawada.

.....Petitioners

AND

1. The Manager,
Indian Oil Corporation Ltd.,
VBP Plant,
Kondapally.
2. The Deputy General Manager, (LPG),
Southern Region,
Chennai.

.....Respondents

APPEARANCES:

- | | |
|--------------------|---|
| For the Petitioner | : M/s. A. Chandra Shekar
Rao & S. Pavan Nandan,
Advocates |
| For the Respondent | : M/s. G. Vidya Sagar,
K. Udaya Sri,
P. Sudheer Rao,
B. Shivakumar &
D. Madhusudhan,
Advocates |

AWARD

This case I.D. No. 242/1999 is transferred from Industrial Tribunal-cum-Labour Court, Guntur in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 and renumbered in this Court as L.C.I.D. No. 144/2002. This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. In spite of several adjournments given from 6-11-2002 for evidence of petitioners for four adjournments including 31-12-2002 the petitioner has not turned-out. In spite of number of adjournments the petitioner has failed to produce any evidence in support of his claim. There is nothing on record to substantiate

the case of the Petitioner. Therefore, the case is ordered against the petitioner and it is held that the petitioner is not entitled for any relief.

Accordingly a 'Nil' Award is passed, Transmit.

Dictated to Kum K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 31st day of December, 2002.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 28 जनवरी, 2004

का. आ. 475.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान जिंक लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 67/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-1-04 को प्राप्त हुआ था।

[डा. सं. 5, दि. 22/1/04]

बी.एम. डेविड, अवर सचिव

New Delhi, the 28th January, 2004

S.O. 475.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 67/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Zinc Ltd. and their workmen which was received by the Central Government on 22-1-04.

[Dy. No.5, dt. 22/1/04]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD

PRESENT:

SHRI E. ISMAIL, Presiding Officer

Dated the 27th day of January, 2003

INDUSTRIAL DISPUTE L.C.I.D. 67/2002
(Old I.D. No 53/2001 transferred from Industrial
Tribunal Cum-Labour Court, Visakhapatnam)

BETWEEN:

Sri Dandapahi
S/o Punaram Sarma,
Q. No. A-20, Zinc Quarters.
Visakhapatnam.

....Petitioner

AND

The Management,
Hindustan Zinc Limited.,
Visakhapatnam.

....Respondent

Appearances:

For the Petitioner

Shri S. Gangadhara
Reddy,
Advocate

For the Respondent

Shri D. V. Subba Rao,
Advocate

AWARD

This case I.D. No. 53/2001 is transferred from Industrial Tribunal cum Labour Court, Visakhapatnam in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 and renumbered in this Court as L.C.I.D. No. 67/2002. This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Brief facts of the petition are: That the Petitioner was appointed as general duty attender in the year 1973 by the management. Thereafter promoted as senior material issuer category and he was paid wages Rs. 10,751.81 as per month at the time of discharge. He was chargesheeted on 4-12-99 for having committed certain misconducts that is, (a) committing theft, fraud or dishonesty in connection with the company's business or property. (b) Willful violation of the Standing Orders. The charges are, he is in connivance with three other employees misappropriated 410 kgs of electrodes, in A. Group Section of Stores department, valuing Rs. 3,61,940.66 and created a scene as if materials were stolen. Management filed a complaint to the Sub-Inspector of Police, Gajuwaka Police Station against the workman and also 3 other co-employees on 14-7-99. The Police arrested all the four employees. The police did not file chargesheet against the workmen since it was revealed that he was not a party and proceeded against only two employees namely S/Sri Sadhu Rao and G. Chinna Rao. After the occurrence of the theft the management issued chargesheet against the above two and Mr. Peeru Babu but did not issue any chargesheet against this workman. But he was given a chargesheet after being influenced by the recognized union. Since the workman Dandapani belongs to rival union. Ultimately he was issued chargesheet on 4-12-99 after more than five months from the date of occurrence of the offence. This issue of the

chargesheet is motivated, mala fide and unjustified. The Petitioner replied on 6-12-99 denying all the charges levelled against him though the charge sheet was given to the workman five months five days after the three employees were charge sheeted. The Petitioner's enquiry was first concluded in the month of February, 2000 and found guilty by the enquiry officer. That there is no direct evidence or circumstantial evidence against the Petitioner. The other three employees enquiries were completed in February, 2000 and finding was given on 25-3-2000 and even though the management passed orders against the workman the police intimated the management by letter dated 10-10-2000 and there was no case against the Petitioner Dandapani and another employee Sri Peeru Babu and therefore they are proceeding against S/Sri Sadhu Rao and G. Chinna Rao. After receiving the letter from the police also the management did not exonerate the workman from the charges levelled against him but passed orders on 31-3-2001 discharging the employee from service merely because there is some discrepancy in the segregation of electrodes. He cannot be held guilty. There is no case against him. After the workman was discharged from service he made an appeal to the Appellate Authority. The workman has served the company for 27 years and still he is only aged 48 years and still he has got 12 years of service. That during his service he served the company sincerely and honestly. During 1994 the workman caught hold of the oil tank driver who came to the factory for unloading High Speed Diesel and without fully unloading he was going with some HSD oil for misappropriation of the same. he caught hold of the driver and handed over the oil tanker and the driver to the management. Similarly he did the same in 1985. Hence, he may be reinstated with full back wages, attendant benefits, continuity of service etc.

3. In the counter it is stated that the workman was issued charge sheet on 4-12-99 for misconduct of theft/fraud/dishonesty related to the company's property and wilful violation of the company's standing orders along with three other workers. That all the four workers have misappropriated 410 kgs of electrodes of A-group section of Stores Department valuing Rs. 3,61,940.00 was misappropriated by the four workers including this workman. The management has lodged a complaint against all the four workers and after investigation they filed a charge sheet before 8th Metropolitan Magistrate, Gajuwaka. That the Sub-Inspector of Police, Gajuwaka sent a letter to the management on 10-10-2000 that he filed charge sheet on 23-9-2000 only against two workers S/Sri Sadhu Rao and G. Chinna Rao. The fact that his enquiry was finished within one month before the enquiry relating to other three employees and the management passed orders of dismissal after more than one year after receiving enquiry report, are all baseless and not relevant to the case. That the letter dated 10-10-2000 received from the

Sub-Inspector of Police, Gajuwaka is in no way connected to discharge order passed by the management on 31-3-2001. Said letter is of no consequence to exonerate the workman to the charges levelled against him. That the enquiry was conducted in a fair and proper manner. That the order dated 31-3-2001 is not against the weight of the evidence, not illegal and unjustified. It is not true that the workman caught hold of an oil tank driver.

4. As the Advocates argued final arguments without leading any evidence that means the Petitioner's Counsel considered that the enquiry is fairly conducted. So now only question that remains is whether Sec. 11 A of the I.D. Act can be invoked.

5. The Petitioner's Counsel filed certain documents has not marked them. I am now marked for writing Judgement. Ex. W1 is the letter stating that Sri Dandapani is in police custody. Hence, he was suspended from his duty with immediate effect that was on 19-7-99. Ex. W2 is the letter that suspension is revoked and Petitioner is allowed to resume duty. Ex. W3 is the chargesheet. Ex. W4 is his explanation that though he is working in the same section along with the other three employees he was busy with his personal problems. Along with the charge sheet Ex. W3 he was again suspended on 4-2-99 and again allowed to resume duty vide Ex. W5 on 11-5-2000. Ex. W6 is his forwarding copy of the Enquiry Report. Ex. W7 is the enquiry report. Ex. W8 is his explanation to the enquiry report. Ex. W9 is the letter of Sub-Inspector of Police, Gajuwaka that he has filed charge sheet against S/Sri Sadhu Rao and G. Chinna Rao. Before the VIII Metropolitan Magistrate, Gajuwaka. Ex. W10 is the order discharging him from services of the company dated 31-3-2001. Ex. W11 is his appeal against the order of discharge. Ex. W12 is the letter informing that the appeal is rejected.

6. The management's documents are marked as Ex. M1 the charge sheet. Ex. M2 is the order appointing enquiry officer. Ex. M3 is the letter to the workman by enquiry officer directing him to attend enquiry. Ex. M4 is enquiry proceedings. Ex. M5 facts of arguments submitted by the management representative. Ex. M6 is the letter by enquiry officer to the workman intimating date of enquiry. Ex. M7 is day to day enquiry proceedings. Ex. M8 is written brief of management representative. Ex. M9 is the letter to the workman furnishing the management representative's written brief. Ex. M10 written brief of the workman. Ex. M11 is the letter to the workman furnishing enquiry officer's report. Ex. M12 enquiry officer's report. Ex. M13 is the workman's statement of enquiry officer's report. Ex. M14 is the punishment of discharge. Ex. M15 is the appeal by the workman. Ex. M16 letter communicating the decision of appellate authority.

7. It is argued by the Learned Counsel for the Petitioner that management's representative failed to

prove in the enquiry that the Petitioner is in connivance with the persons has misappropriated 410 kgs of electrodes in the main stores during the lunch time that is between 12 noon to 12.30 when most of the employees including officials are passing through main gate. That the very fact that the statement of all the four employees differ goes to show that the Petitioner is not involved in the theft. Otherwise stereotyped statements would have been given. Petitioner has submitted annexure on 22-1-2000 that on 21-7-99 240 kgs. of missing electrodes were recovered from unused water drain. But he did not mention anything about 170 kgs of remaining electrodes. When the CISF people are watching the stores round the clock and checking every on physically passing through the gate from 8 AM to 4 PM every day. So it is clear that the material is stolen during night but not misappropriated by the persons including the Petitioner. Moreover a man can easily enter into the stores through the gate itself between asbestos sheets roof and Iron grill after climbing up all the main stores a whole. Further the enquiry officer prepared his report based on the contrary statements of the individuals. In fact as argued supra the staff of the A-group section if they complain for a misappropriation, theft gave a stereotyped statement and as nothing concrete is proved, hence, the Petitioner is liable to be reinstated. Even otherwise the punishment of discharge account to be imposed merely on conclusions which has been supported no evidence before the enquiry officer. Hence, it is submitted that he may be reinstated with back wages with full benefits etc.

8. It is argued by the Learned Counsel for the Respondent that M/s. Hindustan Electric House and M/s. Maruthi Marketing were supplying electrodes to Hindustan Zinc Limited and received by all central stores. Subsequently the material was shifted to A-group issues section. Sri G. Chinna Rao of A Group acknowledged the same material on 28-5-99. 410 kgs of electrodes were found missing. The matter was referred to the Police and Police came and they informed that there is no intruder can enter through entry point through which anyone can enter into the central store shed after office hours. Hence, it is a case of misappropriation and not a case of theft. The central stores gate used to be locked after office hours and the hading door near to the receipt section used to be sealed. On 29-5-99 the condition of the store was intact. Hence, it is established that no intruder had entered into the central store shed and lifted the mine. It is not out place to mention here that on 27-5-99 certain quantity of electrodes were issued to the central workshop from the existing law. Above information gives clear reason to believe that the electrodes were intact on 27-5-99. That Dandapani, revealed that the segregation of the electrodes was made on 28-5-99. Subsequently it was confirmed by Dandapani, CSE, Chinna Rao and Eshwar Rao that the segregation of electrodes was not made on 28-5-99 but it was made on a

prior date. The contradictory statement given Dandapani clearly proves his bad intentions. Subsequently Dandapani in his defence statement given in the enquiry proceedings dated 21-2-2000 has stated that he was deputed for outside duty from 21-5-99 to 31-5-99. In the subsequent evidence he has also stated some time only he used to come to the A-group for signing attendance and to check up stock position at complaints to telephone. Hence, it is important to note that Dandapani used to be available in the A-group during the mentioned period. For causing misappropriation the individual's presence is not always necessary. It is pertinent to note that the CSE in his section rounds statement recorded on 2-6-99 as stated that on 27-5-99 he was present in the A-group when electrodes were being issued. Hence, it is clear that he was available in the section. Further Sri G. Chinna Rao in his statement clearly informed that he gave wrong date as Dandapani insisted him to give the wrong statement. Dandapani also confirmed that he has insisted Chinna Rao to give wrong statement. As the above facts clearly levelled that Dandapani intentionally hid the fact just to escape from the charge of misappropriation. Lastly but not leastly Sri B. Peerubabu in his statement has stated that when he reached the central store on 29-5-99 he have been seen Sadhu Rao and Dandapani standing under the Mango Tree adjacent to the central store shed. It is contrary to the statement of Dandapani. Moreover as some quantity of electrodes recovered from waste water drain it clearly confirms that it is an act of misappropriation but not a case of theft. Hence, the Hon'ble Tribunal may not invoke Sec. 11A to come to the rescue of the Petitioner as he does not deserve any sympathy.

9. It may be noted that the police has chosen not to file charge sheet against Dandapani the Petitioner herein and another Peerubabu and although complaint was given against these above two employees and Sadhu Rao and Chinna Rao. I have gone through the enquiry report and in the enquiry report main reason why the Petitioner herein is held guilty is the contradictory statements given by him. That the Petitioner first gave a statement that segregation of electrodes was done on 28-5-99 and subsequently confirmed that the segregation of electrodes was not done on 28-5-99. He also relied on the evidence of Chinna Rao witness No. 3 at question No. 14 of the enquiry proceedings, he said that he gave two different statements at the instance of the Petitioner herein and also the statement of PW6, Eshwar Rao who deposed to his first question that the segregation of electrodes took place on 25-5-99. It may be seen that the same witness PW6 states that at the time of segregation G. Chinna Rao and M. Sadhu Rao were present. He does not speak about the presence of Dandapani. But, PW3 stated that Dandapani was also present. Segregation took place on 25th or 26th May, 1999. He is not very much sure as

to the date on which the segregation took place and another contention of the Enquiry Officer because all the four gave contradictory statements, the guilt of Dandapani is also proved. More So, some quantities of electrodes were recovered. I may add that the police was correct in not charge sheeting the Petitioner vide Ex. W9. These statements of the witnesses may not stand the scrutiny of a criminal trial court. But sufficient suspicion was thrown on the Petitioner and more so after the recovery of some of electrodes. Once the employee loose confidence it is not desirable that the Petitioner be given any relief of reinstatement nor he is completely absolved from the charges. There is sufficient suspicion against him. Hence even treating as retired is also not proper. But even the Police have not found sufficient evidence against him and there is no sufficient evidence except the contradictory statement made to hold him completely guilty. Hence, I am of the opinion that as the Petitioner has put in 27 years of service and as had 12 years of service left. Hence, as the conclusions reached by the Enquiry Officer that he is guilty cannot be fully sustained. It can only be said that there is a web of suspicion against him. Hence, in such cases it is desirable to award him some compensation. Hence, without interfering with the order of the discharge passed against the Petitioner he shall be only entitled to 10 months full gross pay multiplied by his last drawn pay which will meet the ends of justice.

Award passed accordingly. Transmit.

Dictated to Steno, transcribed by Steno, corrected and pronounced by me in the Open Court on this the 27th day of January, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

- Ex. W1: Suspension order No.PF: 41052/VZS/P&A/99 dt.19-7-99
- Ex. W2: Office order No.PF:41052/VZS/P&A/99 dt.22-7-99
- Ex. W3: Charge sheet No.PF: 41052/P&A/99 dt.4-12-99
- Ex. W4: Petitioner's explanation to Ex. W3 dt.6-12-99
- Ex. W5: Office order No.PF:41052/VZS/P&A/2000 dt.11-5-2000
- Ex. W6: Lr.No. PF: 41052/VZS/P&A/2000 dt.31-3-2000

- Ex. W7: Enquiry report
- Ex. W8: Representation of Petitioner in reply to Ex. W7
- Ex. W9: Copy of Lr. of Sub-Inspector of Police to the management
- Ex. W10: Office order No.PF:41052/VZS/P&A/2001 dt.31-3-2001
- Ex. W11: Copy of Petitioner's appeal against Ex. W10
- Ex. W12: Lr. No.PF: 41052/VZS/P & A/2001/4923 dt.27-6-2001

Documents marked for the Respondent

- Ex. M1: Copy of charge sheet dt. 4-12-99
- Ex. M2: Copy of Order No.PF:41052/VZS/P&A/99 dt.21-12-99
- Ex. M3: Copy of Lr. No.VSKP/CM(W)Pb./DP/41052/99 dt.1-1-2000
- Ex. M4: Day to day enquiry proceedings
- Ex. M5: Facts of arguments submitted by the management representative.
- Ex. M6: Copy of Lr. from E.O. to the Petitioner No.VSKP/CM(W)Pb./DP/41052/99 dt.31-1-2000
- Ex. M7: Day to day enquiry proceedings
- Ex. M8: Written brief of management representative dt.22-2-2000
- Ex. M9: Copy of Lr. to the Petitioner with copy of Ex. M8
- Ex. M10: Written brief of the workman dt. 4-3-2000 by Co-worker
- Ex. M11: Copy of Lr. No.PF:41052/VZS/P&A/99/2000 dt.31-3-2000
- Ex. M12: Enquiry report
- Ex. M13: Statement of Petitioner on Ex. M12 dt. 3-4-2000
- Ex. M14: Copy of dismissal order No.PF: 41052/VZS/P&A/2001 dt.31-3-2001
- Ex. M15: Appeal of the workman to the appellate authority dt.13-4-2001
- Ex. M16: Copy of Lr. No.PF: 41052/VZS/P&A/2001/4923 dt.27-6-2001

नई दिल्ली, 29 जनवरी, 2004

का. आ. 476.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कार्पो. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 21/2002 को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-04 को प्राप्त हुआ था।

[ढायरी सं. 7, दि. 29/1/2004]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th January, 2004

S.O. 476.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Petroleum Corp. Ltd. and their workmen which was received by the Central Government on 29-1-04.

[Dy. No.7 dt. 29/1/2004]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

PRESENT:

SHRI E. ISMAIL, B.SC., LL.B., Presiding Officer
Dated the 15th day of December, 2003

INDUSTRIAL DISPUTE L.C.I.D.No.21/2002

(Old LD.No. 21/2000 Transferred from Industrial
Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN:

Sri M. Ramakrishna,
D.No.72-18-2, Near Post
Office, Near Water Tank,
Lalacheruvu,
Rajahmundry-533 106.

.....Petitioner

AND

1. The Territorial Manager,
Bharat Petroleum Corporation Ltd.,
P.B. No. 6, Dowlaiswaram Road,
Near Saw Mill,
Rajahmundry-11.
2. The Chief Manager (HRS),
South Bharat Petroleum
Corporation Ltd.,
No. 1, Rangandadham Gardens,
Off: 11 Main Road,
P.B.No.1212/1213,
Annanagar (West),
Chennai-600 040.
3. The Chairman,
Bharat Petroleum Corporation Ltd.,
Bharat Bhavan, 4 & 6, Currimbhoy
Road, Ballard Estate,
P.B.No.688,
Mumbai-400 001.

... Respondents

APPEARANCES:

For the Petitioner : Sri P. Narasimha Rao,
Advocate

For the Respondent : M/s K. Srinivasa Murthy,
V. Umadevi & C.
Vijaya Shekar Reddy,
Advocates

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C-II) dated 18.10.2001 bearing I.D. No. 21/2000 and renumbered in this Court as L.C.I.D.No. 21/2002 and notices were issued to the parties.

2. The brief facts as mentioned in the petition are: That the Petitioner was first engaged and self employed contractor or self employed service provider under the specific terms of contract entered by the Management represented by 1st Respondent from 1-7-96 to 30-7-97. The work was supervised by the concerned authority, the rate of work was Rs. 1.950/- p.m. Prior to this, the workman was engaged as contract labour from July, 1994 to the end of June, 1996. The name of the contractor was Sri G. Venkateswara Rao, who engaged the workman along with other two workmen for wagon unloading in connection with the operations of the corporation. The workman was a contract labour for the period from 1-7-94 to 30-6-96. Thereafter the workman was engaged under the terms of "self employed service provider" "self employed contractor", "office boy" etc. In fact the workman carried out the perennial nature of works of out door jobs with reference to office work of the corporation at Territorial depot at Rajahmundry. The work of house keeping includes, maintenance of approach road, entire administrative building, MCC Room, D.G. Room, F.W. Pump Houses, Lubricant Godown, etc. This involves sweeping, cleaning, and maintenance of the above areas within the premises of the territorial depot. The other outdoor jobs include banking services, postage, local purchase, delivery and loading for transportation, payment of bills, etc. Again the Management entered into contract of working from 1-7-97 to 30.6.99 exclusively for carrying out outdoor jobs. The Management conferred the contract of house keeping to another workman for the same duties. As per the terms of the contract he discharged his duties. Subsequently, the Management did not engage the workman from 1-4-91 without showing any reason or

without serving a notice. The Management prematurely terminated the contract and did not engage the workman from 1-4-99 although the contract was upto 30-6-99. They terminated the contract on 31-3-99 without giving it in writing. The action is wrong and amounts to retrenchment. That the contract is sham and not a genuine one. The discharge of the workman is illegal. Hence, he may be directed to be reinstated with full back wages.

3. A counter was filed by the Management. That the claimant is not a workman as defined under the I.D. Act. The Hon'ble Tribunal does not have the jurisdiction to try the case. He was awarded a contract of service. Earlier what was given was an agreement for the provision of certain services by the claimant to the Management. Thus in terms of the said agreement the contract came into an end by efflux of time. No doubt he was being paid Rs. 1950/- per month. The claimant does not fit within the definition of contractor. They are jobs which are under the scope of contract for service. The jobs are not of perennial nature. He himself was a tenderer and voluntarily participated in the contract. It is also denied that if the veil of contract is pierced it would be apparent that the claimant is a workman as per the I.D. Act. As the contract expired he has no relief. Hence, he is not entitled for any relief.

4. The Petitioner examined himself as WW1. That he joined on 1-7-94 as office boy through a contract by name Sri G. Venkateswara Rao. No appointment letter was issued either by the contractor or by the Management. The Xerox copy of the contract between Venkateswara Rao and the Respondent is Ex. W1. He worked like that till 30-6-96. Provident Fund was deducted from July, 1994 by name itself. Ex. W2 is the copy of Form 10 P.F. Act and Regulations. From 1-7-96 to 30-6-97 contract was given in his name. Original contract is Ex. W3. After expiry of Ex. W3 contract another contract was given for two year upto 30-6-99. The original contract is Ex. W4. He was terminated before the expiry of Ex. W4 contract on 31-3-99 verbally. He gave representation which is Ex. W5. Original acknowledgement is Ex. W6. The Management was directly entrusting the work day to day and wages were also paid by the Management monthly on consolidated basis. Under Ex. W1 contract he was paid Rs. 1950/- per month and under Ex. W4 contract he was paid only Rs. 1200/- per month. P.F. deductions were made till he was retrenched. After he was terminated the office establishment people are doing the same work. There is unhealthy competition was created by Management to employ the person who quotes minimum.

5. In the cross examination he deposed that he has filed this case for reinstatement. That he was shown as

working under Sh. Venkateswara Rao, but he was working under the Company directly. He denied that he was given a contract as he was the lowest bidder. It is denied that amount of Rs. 1200/- was not paid as wages but as contractual amount.

6. The Management examined Sri V.R. Sudhakar, Dy. Manager, Sales, Bharat Petroleum Corporation Ltd., as MW1. He deposed that the Petitioner was given contract from 1-7-94 to 30-6-96. He was paid Rs. 1950/-. What was paid was only contractual amount for the contractual services rendered and not wages. He denied that the contract between the Petitioner and the Management is sham and not a genuine contract. That the contract was valid and binding. Hence, he is not entitled for reinstatement.

7. In the cross examination he deposed that he does not know whether the Respondent company is registered under the CL(R&A) Act. The Petitioner is a registered contract with them. He does not have proof. That the Petitioner is not there from April, 1999. It is argued by the Learned Counsel for the Petitioner that he has been working from 1994. The alleged contract is sham and nominal and they are made only to deprive the poor employees from the genuine benefits they are entitled to does not shock the consciousness. That from 1994 to 97 he gets Rs. 1950/- and when the cost of living is rising of leaps and bounds same person is ready to work for Rs. 1200/-. It is nothing but exploitation of poor employees that too for such an important government Company. Hence, he should not only be reinstated but he should be given full back wages.

8. It is argued by the Learned Counsel for the Respondent that this was a contract which ended itself by efflux of time and merely not renewing the contract does not mean that he is entitled to be reinstated with back wages when he is not the workman at all. Hence, he submits that he is not entitled for any relief.

9. It may be seen that it is shocking of the conscious when one goes through the admitted facts by the Respondent that he was getting Rs. 1950/- per month from 1-7-96 to 30-6-97 than again he was given a contract upto 30-6-99 for two years for Rs. 1200/-. Atleast my judicial conscious is shocked. That with rising costs in the day to day living and when all of us, a clamour for more and more wages due to rising costs, how can a man agree to do the same work which he was doing for Rs. 1950/- per month for Rs. 1200/-. But, that is besides the point. In view of the Hon'ble Judgement report in 2001(7) SCC Steel Authority of India Ltd., Vs. National Union Waterfront Workers, "even if it is a contract is sham and nominal, rather a camouflage, in which case the contract labour working the establishment of the principal employer were held, in fact and in reality, the employees of the principal employer himself", for example

in this case he was as an employee of Venkateswara Rao do not ipso facto become employees of the principal employer. Hence, I cannot go into those details and even to find out whether it is a sham and nominal document or sham and nominal contract of service, the Petitioner is not permissible to approach this Court directly under Sec.2A(2). He has to raise a dispute before Assistant Labour Commissioner(C) who if having failed in conciliation should make a reference and when it is referred to this tribunal under Sec.10(1)(d) then only this Court can decide. But here admittedly the contract was upto 30-6-99 and MW1 has admitted that he is not there from April, 1999. According to MW1's admission the workman should have been offered alternate contract job in the other office if he had ceased to exist from April, 1999. So he is entitled for pay @1200/- per month that is Rs. 3600/- for April, May, and June, 1999. But however, having made him run from pillar to post and approach this Court and seeing the fact that he was actually doing the same work previously for Rs. 1950/-, I am of the opinion that the ends of justice will be met if further Rs. 5000/- is awarded to the Petitioner. Hence, The Respondent is directed to pay Rs. 8,600/- within 30 days from the publication of the award, failing which, the Petitioner shall be entitled to 12% interest p.a. after 30 days of the publication of the award.

Award passed accordingly. Transmit.

Dicated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 15th day of December, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner.	Witnesses examined for the Repondent
---	---

WW1: Sri M. Rama Krishna	MW1: Sri V.R. Sudhakar
--------------------------	------------------------

Documents marked for the Petitioner

Ex. W1:	Copy of contract dt. 9-8-94
Ex. W2:	Copy of form No. 10 of P.F. Act
Ex. W3:	Original contract dt. 26-6-96
Ex. W4:	Original contract dt. 30-7-97
Ex. W5:	Copy of WW1's representation dt. 11-11-99
Ex. W6:	Acknowledgement for Ex. W5
Ex. W7:	Certificate for posting of Ex. W5 dt. 13-11-99
Ex. W8:	Copy of contract dt. 27-6-96

Ex. W9:	Copy of guidelines for prohibiting contract dt. 22-8-97
Ex. W10:	Copy of guidelines for prohibiting contract dt. 21-10-99
Ex. W11:	Copy of 'Note for Approval' for provision of office boy at Gokavaram TOP dt. 26-2-99.
Ex. W12:	Copy of 'Note for Approval' for contract for record keeping, filing posting of office mail and purchase of stationery articles and getting Photostat copies as and when required at Gokavaram dt. 22-2-99
Ex. W13:	Copy of 'Note for Approval' for contract for record keeping, filing and stationery maintenance in the office dt. 23-11-98
Ex. W14:	Copy of contract agreement with self employed contractor dt. 25-11-97
Ex. W15:	Copy of note to tender enquiry committee 'A' dt. 2-6-95.

Documents marked for the Respondent

NIL

नई दिल्ली, 29 जनवरी, 2004

का. आ. 477.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बॉमर लारी एण्ड क. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/आलापुझा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2004 को प्राप्त हुआ था।

[सं. एल. 35011/1/2000-आई. आर. (एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 29th January, 2004

S.O. 477.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Alapuzha as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Balmer Lawrie & Co. Ltd. and their workman which was received by the Central Government on 29-1-2004.

[No. L-35011/1/2000-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE**IN THE COURT OF THE INDUSTRIAL TRIBUNAL :
ALAPPUZHA**

(Dated the 3rd day of January, 2004)

PRESENT:**SHRI K. KANAKACHANDRAN
INDUSTRIAL TRIBUNAL**

I. D. No. 88/2000(C)

BETWEEN:

The Deputy General Manager, Balmer Lawrie & Co. Ltd.,
Arroor P.O. (1st management) (2) The president, Balmer
Lawrie Employees Co-operative Society Ltd., Arroor P. O.
(Later name was changed as Arroor Industrial Development
Area Employees Co-operative Society Ltd. No. A-904,
Arroor)

AND

The General Secretary, Cherthala Taluk Industrial
Employees Union (C.I.T.U), Arroor P.O.

REPRESENTATION:

M/s. Menon & Pai, : For 1st management
Advocates, Ernakulam,
Kochi-18

Sri. Chandrabhamu, : For 2nd management
Advocate, Cherthala

Sri. R. Sankarankutty Nair, : For Union
Advocate, Mullakkal,
Alappuzha-11

AWARD

1. The Government of India by Order No.
L-35011/1/2000/IR(M) dated 31-5-2000 had referred the
following issues for adjudication :

"Whether the action of the management of
Balmer Lawrie & Co. Ltd., Arroor in denying the
employment to 16 canteen workers (list enclosed)
and also not treating them as Company's employees
is justified? If not, to what relief the workers are
entitled?"

2. The workmen concerned in this dispute were
workers employed in the canteen established by the first
management in the dispute viz., M/s. Balmer Lawrie and
company. The canteen run by the management was a
statutory canteen established in compliance with Sec. 46

of the Factories Act 1948. The very same canteen is a
notified under Rule. 91 of the Kerala Factories Rules, 1957
also. All the 16 workmen concerned in this dispute were
working in the canteen continuously for a long period and
many of them are having more than 16 years of service.
Initially the canteen was being run by a committee
consisting of officers and workmen of the management
establishment. The building, utensils, furniture, electricity,
water etc., were provided by the company itself for running
of the canteen. After running the canteen in that manner
for some time, it was decided to form a co-operative society
of employees working in the management company to run
it. After formation of the society, the second management
society in the dispute had been managing the canteen. In
fact the society was only an agent of the company. The
managing committee of the society were elected employees
working under the company and the Personal Manager
was its President. Therefore, for all practical purposes the
canteen was part of the main establishment. All the canteen
workers were covered under the ESI Act and GPF Act and
code number allotted was the same that of the first
management company. Whenever a situation arose where
it was not possible the functioning of company itself, then
the canteen would also be closed. The canteen did not
have any independent existence and it was fully depending
on the main activity of the company. When lay off was
declared in the first management company from 13-7-99,
the functioning of the canteen had to be stopped and the
employees of the canteen became unemployed. At the time
when the employees of the company was laid off, all the
employees there were given lay off compensation; but such
compensation was not paid to the canteen employees.
After keeping the employees of the company under lay off
for a long time, the company itself was closed on 6-2-01
after paying all the terminal benefits to which the workmen
were entitled. But the canteen workers were neither received
the by off compensation nor any closure compensation as
in the case of other employees of the canteen. Therefore,
the prayer of the union is for a declaration that the canteen
workers are also entitled for identical benefit as in the case
of other employees of main establishment. Whether it was
on account of lay off or closure.

3. The first management company filed their written
statement contending that there is no industrial dispute
between the first management company and the union
representative of the canteen. Since the first management
is not an employer of the workmen concerned, no industrial
dispute could be raised by the union against it. Therefore,
the order of reference itself was without jurisdiction and
invalid. In order to establish that the canteen workers are
also part of the main establishment, the canteen should be
one notified by the State Government under the Factories
Rules. So long as the canteen being run in the company
premises was not the one specified by the State Government
under Sec. 46 of the Factories Act, it would have no liability.

It is a fact that the real employer of the workmen concerned in the dispute was Balmer Lawrie Employees Co-operative Society. If at all there was an employer-employee relationship that could have been only between such a society and the canteen workers. The wages and other benefits of the workers employed by the second management are paid by the latter and not by the company. The power to take disciplinary action was also vested with the society. The wage settlements are reached between the society and the workmen of the canteen. Since the management company being a public sector undertaking, no recruitment of personnel could have been made without the recruitment process of local Employment Exchange. None of the canteen workers were appointed in that manner. Therefore, in sum and substance the contention of the management is that for no relief the workmen in the dispute are entitled.

4. The second management society had also filed separate written statement in which they had contended that the canteen workers are part and parcel of the main establishment. None of the 16 workers working in the canteen were not appointed by the second management society. Only to look after day-to-day working of the canteen, the society was put in charge and in respect of the workers employed in the canteen the society had no direct responsibility. Moreover, there was no agreement between the society and the canteen workers and their conditions of service were also fixed by the first management company. As the society was the one registered under the Kerala Co-operative Societies Act, any appointment in the society could be legally made only as per the rules and instructions of the Co-operative department. None of the procedures established in that respect followed in the appointment of workers of the canteen. Moreover the wages given to the canteen workers were also not in accordance with the wages notified by the Registrar of Co-operative Societies. Above all no demands were submitted before the society and whenever wage agreement was reached that was only after having discussion between the company and the workman of the canteen. The Co-operative Societies laws do not insist the coverage of employee of a society under the ESI Act and P. E. Act. But all the above social welfare enactments were equally made applicable in the case of canteen workers and that was by fully treating them as employees of the main establishment.

5. After the filing of the statements by the parties concerned, union had filed a petition for causing change in the name of the 2nd Management party in the dispute. Since only a new name was adopted and there was no change in the membership criteria the change as requested by the union was allowed. Later evidence was adduced partially by examining one witness on the side of the union. Several adjournments were sought thereafter by the management to probe on the possibility of settling the

dispute in a reasonable manner. That is in view of various decisions rendered by the Supreme Court regarding the status of the employees working in a statutory canteen notified under Sec. 46 of the Factories Act.

6. Evidently, it is an admitted fact that the workmen concerned were employees having several years of service and the canteen itself was established by the first management for the benefit of employees working under them. The entire expenses of the running of the canteen were also met by the first management. As the canteen being one established under Sec. 46 of the Factories Act, entire responsibility for running it was that of the first management and some of the officials at the top level management were looking after the affairs of the canteen. Later taking into account the convenience, a Co-operative Society was formed and the members of which were the employees under the first management. After the formation of the society, the entire responsibility for the running of the canteen was given to the society thus formed. Therefore, virtually the canteen was being run all along either by the management themselves or through the association of employees constituted specifically for its running. In view of that the first management cannot absolve themselves from the liability to safeguard the interest of the workers working in the canteen.

7. It is not in controversy that the canteen run by the first management was a statutory canteen established under Sec. 46 of the Factories Act. Moreover it is a notified canteen under Rule 92 of the Factories Rules (Kerala Rules) also. Regarding the status of employee working in such canteen notified by the State Government, the Supreme Court had occasion to consider its at various occasions. In *National Thermal Power Corporation Vs. Karni Pothuraju and others* (2003 LLJ 567) the Supreme Court observed that it was obligatory for an industrial establishment to run a canteen if there were required minimum number of employees as envisaged in Sec. 46 of the Factories Act. It was further observed that even if the employees so employed in the canteen were working under a contractor, they would be treated as part and parcel of the main establishment. In paragraph 6 of the judgment the Supreme Court held :

“6. We have carefully considered the submissions of the learned counsel appearing on either side. In 1973-II-LLJ-130 (supra), this Court held that where there is a statutory liability on the company concerned to run a canteen in the factory, then even though the canteen was run by a Co-operative Society, the employees working in the canteen would be covered by the definition of the word “employed” envisaged in Section 3(13) of the Bombay Industrial Relations Act. In 2000-I-LLJ-1618 (supra) dealing with the claim of workers of a canteen run through a private contractor in pursuance of the obligation of the industrial establishment under Section 46 of the Factories Act, 1948,

this Court upheld the claim of workers for being treated as the workers of the company itself. In 2001-II-LLJ-1087 (supra), a constitution Bench of this Court considered the claims of contract labourers engaged by a contractor for absorption in the establishment of the principal employer on issuance of the abolition notification under the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 and the rules made thereunder. This Court, while adverting to the position of law in force, has observed as follows at pp. 1126, 1127 of LLJ :

“100. We have gone through the decisions of this Court in VST Industries Case, G. B. Pant University case and M. Aslam case. All of them relate to statutory liability to maintain the canteen by the principal employer in the factory/establishment. That is why in those cases, as in Saraspur Mills case the contract labour working in the canteen were treated as workers of the principal employer. These cases stand on a different footing and it is not possible to deduce from them the broad principle of law that on the contract labour system being abolished under Sub-section (1) of Section 10 of the CLRA Act the contract labour working in the establishment of the principal employer have to be absorbed as regular employees of the establishment.

101. An analysis of the cases, discussed above, shows that they fall in three classes :

(i) Where contract labour is engaged in or in connection with the work of an establishment and employment of contract labour is prohibited either because the industrial adjudicator/Court ordered abolition of contract labour or because the appropriate Government issued notification under Section 10(1) of the CLRA Act, no automatic absorption of the contract labour working in the establishment was ordered; (ii) where the contract was found to be a sham and nominal rather a camouflage, in which case the contract labour working in the establishment of the principal employer were held, in fact and in reality, the employees of the principal employer himself. Indeed, such cases do not relate to abolition of contract labour but present instances wherein the Court pierced the veil and declared the correct position as a fact at the stage after employment of contract labour stood prohibited; (iii) where in discharge of a statutory obligation of maintaining a canteen in an establishment, the principal employer availed the services of a contractor and the Courts have held that the contract labour would indeed be the employees of the principal employer.”

8. In another decision reported in [2002 (I)LLJ 237] the Supreme Court held that the question whether the

canteen workers were workers of the establishment or not will depend on how obligation to set up canteen was discharged by the establishment. Still later in another decision, the Supreme Court held in *Mishra Datan Nigam Ltd. Vs. Venkataiah & other* [2003 (3) LLJ 847] that indisputably a principal employer who is bound to run a canteen in their establishment would have the responsibility to safeguard the interest of workers employed in the canteen. In that case it was specifically held that though the canteen employees were working under a contractor, they would be treated as employees of the principal employer.

9. In view of the rational laid down by the Supreme Court in the above referred cases, there is no difficulty for me to hold that the workmen concerned in the dispute are to be treated as employees under the first management. Whenever the employer establishment had laid off other workers, the services of the workers employed in the canteen also could not be utilized. Therefore it was meaningless to run a canteen also at that time. Just like other workers in the main establishment were laid off, as the part and parcel of the main establishment, the canteen workers should also have been laid off. It was also submitted that during the pendency of the dispute, the management establishment itself was closed and all the workers in the main production side were given compensation and gratuity in accordance with law. It was also stated that the rate of compensation paid to the workers were on the basis of negotiated settlement during the pendency of this dispute. Therefore whatever be the terms of settlement, on identical terms, the workers concerned in the dispute are also entitled. The first management should take up the responsibility in discharging their statutory liability as the principal employer of the canteen workers.

10. Award is passed in the above terms.

(Dated this the 3rd day of January 2004)

K. KANAKACHANDRAN, Industrial Tribunal

Appendix

I.D.No. 88/2000

Witness examined on the side of the management :

NIL

Witness examined on the side of the workmen :

WW1 : Chandra Babu

Exhibits marked on the side of the management :

NIL

Exhibits marked on the side of the workmen :

- W1: Audited Balance Sheet and Report for the year 1998-99 of the Balmer Lawrie Employees Co-operative Society Ltd., Aroor.
- W2: Copy of the notice dated 4-7-2002 sent by the counsel for union to the first management.
- W3: Copy of the notice dated 12-2-2002 sent by the counsel for the union to the management.

नई दिल्ली, 30 जनवरी, 2004

का. आ. 478.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 79/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2004 को प्राप्त हुआ था।

[सं. एल.-31025/1/2004-आई.आर.(बी.II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 30th January, 2004

S.O. 478.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 79/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workmen which was received by the Central Government on 29-1-2004.

[No. L-31025/1/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

PRESENT :

SHRI E. ISMAIL, B.SC. LL.B., Presiding Officer

Dated the 31st day of December, 2003

Industrial Dispute L.C.I.D. No. 79/2003**BETWEEN:**

Sri A. Sundar Rao,
C/o A Victor,
D. No. 2-169, Indiranagar,
Old Dairy Farm.
Visakhapatnam-40.

.....Petitioner

AND

1. The Chairman,
Visakhapatnam Port Trust,
Board of Trustees,
Visakhapatnam.

2. The Chief Mechanical Engineer,
Visakhapatnam Port Trust,
Visakhapatnam.

... Respondents

APPEARANCES :

For the Petitioner : Sri B.V. Rao, Authorized
representative

For the Respondent : M/s. D.V. Subba Rao & D.V.S.S.
Somayajulu, Advocate

AWARD

This is a case taken under Sec. 2A (2) of the I.D Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed claim statement with the following averments. That the Petitioner worked with the Respondent as Khalasi from 31-7-81 and he was terminated on 15-5-94. His last drawn pay is Rs. 2,738/- per month. On 6th December, 1993 he was served with a charge memo alleging that he is said to have involved in "exhibiting gross misconduct unbecoming of a public servant". Enquiry was conducted on 20-2-94 at 14.45 hours, and within minutes the Enquiry Officer has completed the enquiry and subsequent appeal was not summarily rejected by the Appellate Authority by its proceedings dated 6-9-94, which was never proved in terms of VPE(Conduct) Regulations, 1964, since no misconduct at all was involved. He approached the Hon'ble High Court of A.P. by way of apprehending all the facts and circumstances may not be properly reflected in the Hon'ble High Court of A.P. He withdrew the said Writ Petition. The allegation that he was absent from 19-5-93 to 2-6-93 and again from 19-7-93 to 11-10-93 was never treated as misconduct. That the alleged absence was condoned on

the very day. That the second period covering from 19-7-93 to 11-10-93 was not objected when he reported to duty on 12-10-93 itself. Hence, there was no cause of action for issuing a charge sheet after two months that is on 6-12-93. He has not committed any grave misconduct. Hence, it is prayed that the removal order dated 17-5-94 is void ab initio and he may be directed to reinstated with full continuity of service and all attendant benefits.

3. A counter was filed by the Management stating that the Petitioner was appointed as Khalasi on 19-8-81 and subsequently he was promoted as a Greaser with effect from 21-1-86. The workman was removed from services on 17-5-94 by way of a disciplinary action against unauthorized absenteeism. Even after he resumed to duty for the period of absence from 19-5-93 to 2-6-93 and 19-7-93 to 11-10-93, on 3-6-93 and 12-10-93, he did not submit any leave application or sick certificate for the above period of absence. In response to the charge sheet dated 6-12-93, the workman has submitted explanation on 18-12-93, which was not found satisfactory. Hence, an enquiry was conducted. The workman is a habitual unauthorized absentee. He was awarded on 10-9-88 penalty of withholding of annual increment for 3 months without cumulative effect. A penalty of withholding of annual increment for 3 months without cumulative effect was imposed vide proceedings dated 24-7-89 and a penalty of demotion from Greaser to Khalasi was imposed on 12-7-93. In spite of all these penalties imposed upon him he has not shown any sincerity. Hence, he must be dismissed from service.

4. It may be seen that it was conceded that the domestic enquiry was validly conducted and arguments were advanced under Sec. 11A of the I.D. Act. Accordingly, arguments were heard.

5. The Learned Counsel for the Petitioner submits that after all he was not absent for long period. Actually for less than a month between 19-5-93 to 2-6-93 and when he reported on 3-6-93 no objection was taken. Again he was absent for less than three months from 19-7-93 to 11-10-93 and when he again reported on 12-10-93 no objection was taken. Further he has already submitted on 12-4-94 that due to his mother's prolonged ill-health and domestic problems his wife's deteriorating health he could not attend and therefore he may be given a chance. The Management should have considered his case as he has been working from 1981 and he was dismissed on 17-5-94 after putting in 13 years of service. Several punishments he has undergone and this punishment is disproportionate to the alleged misconduct. Hence he may be directed to be reinstated with back wages and continuity of service.

6. It is argued by the Learned Counsel for the Respondent that he is a habitual offender of absenteeism, once his annual increment was held up for three months,

second time his annual increment was held for three months, third one, he was demoted from Greaser to Kalasi on 12-7-93. He still does not want to amend himself and again absented himself from 19-7-93 to 11-10-93. He shall not improve himself. Giving such a chance to such a person, who is so negligent in the discharge of his duties itself do not help him.

7. It may be seen that the quality of mercy is not strained. This is the man who was promoted as a Greaser has been again demoted as a Kalasi still he did not amend himself. But, I wonder whether from 17-5-94 for a period of almost 10 years exile from the job must have had some effect on him. Hence, the Respondent is directed to reinstate the Petitioner within 30 days from the publication of this award as a Kalasi failing which he will be entitled for last drawn wages after 30 days from the publication of this award. The Petitioner shall not be entitled for any back wages or continuity of service. However, his services from 19-8-91 to 16-5-94 (he was terminated on 17-5-94) only shall be taken into consideration for the purpose of terminal benefits. The gap between 17-5-94 till his reinstatement shall not be counted for any purpose including terminal benefits.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 31st day of December, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 30 जनवरी, 2004

का. आ. 479.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचात (संदर्भ संख्या 1/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-04 को प्राप्त हुआ था।

[सं. एल. 12025/1/2004—आई.आर. (बी. II)]

सी गंगाधरन, अवर सचिव

New Delhi, the 30th January, 2004

AWARD

S.O. 479.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen which was received by the Central Government on 29-1-04.

[No. L-12025/1/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

PRESENT :

SHRI E. ISMAIL, B.SC. LL.B., Presiding Officer

Dated the 31st day of December, 2003

Industrial Dispute L.C.I.D. No. 1/2002

(Old I.D. No. 144/2000 Transferred from Industrial
Tribunal-cum-Labour Court, Anantpur)

BETWEEN:

Sri H. Vittal Rao,
S/o Polset Rao,
H. No. 11/17, Rangaraja Street,
Bangaganapalli-518124,
Kurnool District.

.... Petitioner.

AND

1. The Branch Manager,
Syndicate Bank,
Bangaganapalli, Kurnool District.
2. The Divisional Manager,
Divisional office,
Syndicate Bank, Cuddapah District.
3. The Assistant General Manager,
Personnel section, Workman Wing,
Syndicate Bank, Opp. Yerramanzil,
Somajiguda, Hyderabad Zonal. Respondents

APPEARANCES:

For the Petitioner : Sri K. Ravi Sankar Babu,
Advocates

For the Respondent : M/s. K. Srinivasa Murthy,
V. Umadevi & C. Vijaya Shekar
Reddy, Advocates

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 by the Industrial Tribunal cum-Labour Court Anantpur in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others. and transferred to this Court in view of the Government of India Ministry of Labour's Order No. H-11026/1/2001-IR (C-II) dated 18-10-2001 bearing I.D. No. 144/2000 and renumbered in this Court as L.C.I.D. No. 1/2002. Notices were issued to the parties.

2. The brief facts of the petition are : That the Petitioner is a S.S.C. passed candidate. He has registered in A.P. Employment Exchange in the year 1997 with registration No. 12635 dated 22-2-1977. That as Respondent wanted candidates for messengers at Bangaganapalli, the Petitioner has submitted application and with his application 8 others also submitted applications to the Syndicate Bank, Bangaganapalli. The application was presented on 6-3-85 but he was not called for and he found out that one Sri G. Balaji was appointed as messenger. This is on an extraneous consideration. He filed a Writ Petition N. 4647/85 and WPMP No. 6517/1985. The Hon'ble High Court of A.P. directed to consider his application. After this direction, the Petitioner waited for four years painfully. After four years, on 22-3-1989 the Respondent received a letter from the Zonal office, Syndicate Bank. After that nothing was done for another five years. Thereafter three letters were received dated on 12-9-94, 4-10-94 and 18-10-94. The letters said that the name of the Petitioner is eighth in the seniority list of Kurnool District. The Petitioner submitted an application in the year 1985 but the inclusion came only in 1996. One Sri Balaji secured post attender and also was a junior to the Petitioner. The Petitioner even after the orders of the Hon'ble High Court of A.P. dated 20-11-95 only with that the seniority list was prepared he was kept in number eight. The Petitioner worked from 1996 to April, 1997. He has worked for 267 calendar days and became qualified for the permanent post. The Petitioner reached the age of 40 years and he has to survive only on this employment and on 9-4-96 a fresh panel was prepared but again the Petitioner's name was not included. Bank has no explanation. The Damage caused to the cause of the Petitioner is irreparable. Hence, the Respondent may be directed to appoint the Petitioner in the permanent vacancy immediately and pass such orders as the Hon'ble court may deem fit.

3. A counter was filed stating that the Hon'ble High Court of A.P. directed and accordingly, his name was included in the panel of temporary attenders. That the name of the Petitioner was appearing at serial No. 8 and all the above candidates are senior to him either by way of

240 days by 31-12-84 or by way of registration in the employment exchange. He was informed that his name is at 8th. The bank had given the Petitioner temporary appointment of 22-1-96 according to the seniority and eligibility. That he worked from 22-1-96 to April, 1997. The Petitioner was given temporary appointment. That there was a settlement arrived between the bank and the recognized union and the same was passed by an award of the Industrial Tribunal, Chennai on 4-11-96 which was published in the Gazette of India on 8-2-97. In terms of the said settlement the bank prepared two panels. Those who have completed 240 days or more in 12 months in between 1-1-82 to 31-12-89 and who completed 90 days in between the said period. The said settlement was held valid by the Hon'ble High Court of A.P. in WA No. 1444/97 in WP No. 21405/95 and recorded the observations of the Respondent's counsel that the bank would not engage any outsider for any temporary work but will engage only from amongst the members of the panel already maintained. As the Petitioner does not confirm to the above criteria of having worked between 1-1-1982 and 31-12-1989, his name could not find a place in the panes prepared for Kurnool District. The temporary appointments for the posts of attenders are given as per observations of the Hon'ble High Court of A.P. in WA No. 1444/97. Hence, the petition may be dismissed.

4. The Petitioner examined himself as WW1 and deposed that he filed Writ Petition No. 4647/85 in WPMP No. 6517/1985. His registration in the employment exchange is Ex. W1. The order of the Hon'ble High Court of A.P. is Ex. W2. Xerox copy of the petition is Ex. W3. That he received letter from the Zonal office dated 22-3-89 that he was included in the panel of temporary attenders, it is Ex. W4. After 4 years he received three letters asking him to send bio-data. They are Ex. W5, W6 and W7. Ex. W8 states that his name is placed at serial No.8. That he received a telegram dated 20-1-96 in which the Management directed him to join at Kurnool main branch on 22-1-1996 as attender. A copy of the telegram is Ex. W9. He worked at Kurnool main branch from 267 days and in Budhwar pet branch for 3 days. Service certificates are Ex. W10 and W11. Ex. W12 is the seniority list of entire Andhra Pradesh zone. After that another panel was prepared which is Ex. W13 in which his name was not included. That he made representation on 6-10-97 to the Assistant General Manager for non-inclusion of his name and the said letter is Ex. W14 and acknowledgement is Ex. W15. No reply was received.

5. In the cross examination he deposed that he gave an application for the post of Attender on 6-3-85 and the same is filed in the Hon'ble Court. It is not true to suggest that Sri G. Balaji alias G. Bala Krishnaiah is not his junior. It is true that he made G. Bala Krishnaiah as party in Writ Petition No. 4647/1985. That he can not bring G. Bala

Krishnaiah to the Court. G. Balaji used to work as attender at Maddikera Adoni division. It is true that his name was appearing at serial No. 196 of the panel of temporary attenders prepared for the entire zone. He does not know whether the Government of India has issued a circular for tackling the problems of temporary employees. But is true that the said circular dated 9-4-96 a settlement was arrived at the bank by the union in respect of temporary employees in suppression of all other earlier settlements.

6. The Senior Manager, Personnel Section, deposed as MW1 and admitted the fact of filing Writ Petition and informed the Petitioner. Ex.M1 is the circular dated 16-9-90 of the Government of India, Ministry of Finance, Department of Economic Affairs circulating the approach paper for tackling the problem temporary employees in Nationalized banks. Ex.M2 is the settlement dated 9-4-96 which was upheld by the Hon'ble High Court of A.P. The Petitioner cannot be appointed. The bank cannot appoint anyone who is outside the panel in any permanent vacancy in view of the settlement. Ex. M3 is the Gazette publication of the award of the Industrial Tribunal, Chennai. Ex. M4 is the Judgement of the Hon'ble Court of A.P. in WA No. 1444/97. Ex M5 is the Judgement of Hon'ble High Court of A.P. in WP No. 21405/95. Ex. M6 is the Judgement of the Hon'ble High Court of A.P. in CC No. 1025/2002.

7. In the cross examination he deposed that one Sri Balaji junior to him was selected. He admitted that he worked between January, 1996 to April, 1997 but he does not know the details.

8. It is argued by the learned Counsel for the Petitioner that Section 25F was not followed. He has worked for more than 240 days as per the service certificates Ex.W10 which clearly shows is has been issued by no other person but Assistant Manager of Kurnool main branch. That the Petitioner has worked from January, 1996 to December, 1996 for 244 days and 23 days during January, 1997 to April, 1997. That a man is made to run from April, 97 although he filed Writ Petition in 1995 and had represented to the bank to consider the directions of the Hon'ble High Court of A.P. he would have been in service during the period for which the settlement has been reached. Therefore it is nothing but an unfair labour practice and therefore the Petitioner may be reinstated with back wages and continuity of service.

9. It is argued by the Learned Counsel for the Respondent that there were no vacancies are available. Hence, he could not be given job till 1996. He further argues that the writ appeal has been dismissed, confirming the award which was passed by Chennai, Industrial Tribunal that is, those who have worked between 1-1-82 to

31-12-89. Hence, they are unable to take any new employees further which will go against the order of the Hon'ble High Court of A.P. Hence, the petition may be dismissed.

10. It may be seen that no doubt the orders of the Hon'ble High Court of A.P. has to be followed in the letter and the spirit, which were passed in view of the settlement between the union and the management. But see the pathetic case of this Petitioner who has knocked the door of the Hon'ble High Court of A.P. in 1985 but after 11 years he gets a temporary post. Hon'ble High Court of A.P. only said that the settlement has to be followed only to those who were employed between 1-1-82 to 31-12-89 but the Hon'ble High Court of A.P. never said not to follow the provisions of Sec. 25F so far as others are concerned. One month notice and retrenchment compensation could have been paid to Petitioner. Nothing prevented them from paying so. Non-compliance of Sec. 25F is a fatal mistake and the correct course would have been to order reinstatement. But as the settlement is binding and the Hon'ble High Court of A.P. has directed in the writ as the writ appeal confirms that the settlement pertains to employees, who have worked between 1-1-82 to 31-12-89 giving such a direction will not be proper and again they will have to only fulfil the procedure by taking him back, giving him one month notice and retrenchment compensation. But to avoid all that complications and seeing the fate of the Petitioner who was somehow insisting the bank to give job having registered his name in 1977 approached the bank in 1985 for job and got a job after 11 years and from 1997 till today another 7 years have passed. Hence, I am of the opinion that the ends of justice would be met if the Petitioner is granted Rs. 10000/- compensation and the Respondent shall pay the compensation within 30 days from the publication of this award failing which Rs. 10000/- shall be paid with 12% p.a. interest.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistance transcribed by her corrected and pronounced by me on this the 31st day of December, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
---------------------------------------	---------------------------------------

W.W. 1: Sri H. Vittal Rao	MW1 : Sri Ganapathi M. Kamath
---------------------------	-------------------------------

Documents marked for the Petitioner

Ex. W1 : Copy of employment registration card dt. 15-10-1994.

Ex. W2 :	Copy of order in WPMP No. 6517/1985 dt. 14-5-1985
Ex. W3 :	Copy of affidavit in Writ Petition
Ex. W4 :	Copy of Ir. No 00812/ZOH/PS/WW/C&D/TAT/73/dt. 22-3-89
Ex. W5 :	Copy of Ir. No. 62/ZOH/PS/WW/B-281/Enq./Cud. dt. 12-9-94
Ex. W6 :	Copy of Ir. No. 62/ZOH/PS/WW/B-281/Enq./Cud. dt. 4-10-94
Ex. W7 :	Copy of Ir. No. 2921/ZOH/PS/WW/CMPL/B-281/62/Cud. dt. 18-10-94
Ex. W8 :	Copy of Ir. No. 922/PS/DO/95 dt. 20-11-95 informing seniority position of WW1
Ex. W9 :	Copy of telegram to WW1
Ex. W10 :	Copy of service certificate No. 93/97/3370/HVR/dt. 26-4-97
Ex. W11 :	Copy of Ir. No. 3372/21G7/Gen. dt. 26-4-97
Ex. W12 :	Copy of seniority list of temporary attenders on the panel.
Ex. W13 :	Copy of district wise panel of temporary attenders as per settlement dt. 9-4-96
Ex. W14 :	Copy of representation of WW1 to the AGM of respondent
Ex. W15 :	Copy of acknowledgement of Ex. W14

Documents marked for the Respondent

Ex. M1 :	Copy of approach paper issued by No. P.3/3/104/87-IR dt. 16-8-90
Ex. M2 :	Copy of memorandum of settlement dt. 9-4-96
Ex. M3 :	Award copy dt. 8-2-1997
Ex. M4 :	Copy of order in WA No. 1444/97 in WP No. 21405/95
Ex. M5 :	Copy of order in WP No. 21405/95

नई दिल्ली, 30 जनवरी, 2004

का. आ. 480.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/त्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 174/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-04 को प्राप्त हुआ था।

[सं. एल. 12012/92/99-आई.आर.(बी.II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 30th January, 2004

S.O. 480.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 174/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Andhra Bank and their workmen received by the Central Government on 29-1-04.

[No. L-12012/92/1999-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

PRESENT :

SHRI E. ISMAIL, B.SC. LL.B., Presiding Officer

Dated the 8th day of December, 2003

Industrial Dispute No. 174/2002
(Old I.D. No. 14/99 transferred from Industrial
Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN:

The President,
Andhra Bank Award Employees Union,
C/o Andhra Bank, Main Branch
Fort Gate Centre,
Rajahmundry, E.G. District.

.... Petitioner

AND

The Regional Manager,
Andhra Bank, Regional office,
Srikakulam

.... Respondent

APPEARANCES:

For the Petitioner : Sri A. V. Sambasiva Rao,
Advocate.

For the Respondent : M/s. Udayachala Rao, S. Lavanya
Laxmi, S. Vikramaditya Babu & S.
Mujib Kumar, Advocates.

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/92/99-IR(B.II) dated 9-7-99/16-7-99 the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-cum-Labour Court, Visakhapatnam between the management of Andhra Bank and their workman which has been transferred to this Tribunal in view of Government of India, Ministry of Labour's Order No.H-11026/1/2001-IR(C.II) dated 18-10-2001 bearing I.D. No. 14/99. The reference is,

SCHEDULE

"Whether the action of the management of Andhra Bank in terminating the services of Srikakulam Venkata Swamy Ex-Clerk-cum-Cashier, Adapaka Branch w.e.f. 12-5-97 without following the procedure as laid down under the I.D. Act as well as not following the same procedure as adopted in the case of Sh. B. V. Ramana who was dismissed on similar grounds and reinstated, is justified? If not, to what relief the workman concerned entitled to?"

The reference is renumbered in this Tribunal as I.D. No. 174/2002 and notices were issued to the parties.

2. After the issue of notices the following claim statement is filed by the Petitioner union as follows: The workman employed with employee code No. 6663 was appointed by the Management in the year 1979 as sub-staff under 'deceased employee's scheme' whose father Mr. K. Appa Rao, who worked as Defedar died due to cardiac arrest. That he worked continuously upto 12-5-97 when he was dismissed illegally. The domestic enquiry was an empty formality. The original documents were not produced by the Management. The material witnesses, University Officials were not produced before domestic enquiry. That the workman is having 3 children of 10, 6 and 4 years age. Besides taking care of his widowed sister with children of 12 and 8 years age. The entire family is depending on him. Hence, the dismissal order dated 12.5.97 may be set aside and he may be reinstated into service with full back wages continuity of service and all attendant benefits.

3. A counter was filed. That a charge sheet dated 22.1.94 was issued to the Petitioner pertaining to promotion from sub staff to clerical cadre in the year 1985 by producing a fake matriculation certificate purported to have been issued by Andhra University, that he has passed matriculation in the year 1983. That as per clause 19.5(m) of the Bipartite Settlement, "knowingly making a false statement in any document pertaining to or in connection with his employment in the Bank is a gross misconduct". In view of the Bipartite agreement it is a gross misconduct on the part of the workman. A domestic enquiry was

conducted and he was dismissed on 12.5.97, the Appellate Authority has also confirmed the same. That the Andhra University also confirmed that the certificate is bogus. That he joined this bank in sub staff cadre by producing a false matriculation certificate and obtained promotion to clerical cadre and he was also imposed the punishment of dismissal in the first instance and subsequently the Management considered the same favourably by reducing the punishment of dismissal to that of reversion to the sub staff, as he was appointed on compassionate grounds on the demise of his father. That the point that Mr. B.V. Ramana is reverted to sub staff cadre will not help this workman. In view of the Judgement of Hon'ble Supreme Court reported in Balbir Chand Vs. FCI-1997 II CLR page 395. Hence, the dismissal order may be confirmed and the claim of the workman may be dismissed.

4. This Court by a detailed order dated 23.4.2003 held that the domestic enquiry is validly conducted. Hence, arguments were advanced under Sec. 11A of the I.D. Act by both the counsels.

5. It is agued by the Learned Counsel for the Petitioner that the mercy is not strained as it has been brought to the notice of the Hon'ble Tribunal that he has to maintain his three children and wife besides his widowed sister and her two children. If he has thrown out of job he will be on the streets even assuming that he has given a fake certificate for promotion sake. Man is likely to err. But he was not given a chance and reverted as sub staff which he has been given on the demise of his father. Therefore, the reference may be ordered in favour of the Petitioner. He also argues that a similarly placed person Mr. M.V. Ramana was dismissed on similar grounds and in the counter it is admitted but he was treated differently on the ground that he has been given on compassionate appointment. Actually when he has been appointed on compassionate grounds he would have been treated favourably than Mr. Ramana and reverted back to sub staff as it was done in Ramana's case.

6. It is argued by the Learned Counsel for Respondent that every accused in a criminal case or any staff member who is dismissed his family is bound to suffer and that one has to think before one admits such fraudulent things. That may be the work of social workers. The bank is not concerned with the same. Therefore, the reference may be answered in favour of the Respondent.

7. It may be seen that counter it is admitted that Mr. B.V. Ramana joined in the cadre of sub staff by producing a false matriculation certificate and obtained promotion to clerical staff was also imposed the punishment of dismissal in the first instance and subsequently the Management considered the same favourably by reducing the punishment of dismissal to that of reversion to the sub staff. The only point they say is that as this man is appointed

on compassionate grounds he should not have done so. In the counter itself it is admitted in para 7 page 2 that Mr. B.V. Ramana has been considered favourably by reducing the punishment of dismissal to that of reversion.

8. It may be seen that the Petitioner has been appointed in the year 1979 and dismissed on 12-5-97. Nothing is mentioned in the charge sheet whether he is placed under suspension. Nor anything was mentioned in the claim statement that he is placed under suspension. No doubt Mr. Ramana might have been treated in a different way but merely because the bank, according to him has give different punishment to one person, it will not become a precedent for all future cases. Because the bank has lost confidence, even a sub staff may deal with important papers and other things of the bank. It is not desirable to keep such person in the bank who by fake certificate got promotion in 1985 and till 1997 enjoyed the position of cashier cum clerk and from Respondent organization without being eligible for it. As nothing is mentioned whether he was suspended or not, I modify the order as follows: "The Petitioner's services will be treated from day and month of his joining in the year 1979 till his dismissal on 12-5-97 in the cadre of sub staff (Notwithstanding that he worked as clerk cum cashier from 1985 till 1997) and fix his pay through out as sub-staff and as sub-staff on 30-4-1997 and then he shall be deemed to have retired compulsorily as sub staff on 12-5-97 and will be entitled for all terminal benefits as sub-staff. The Principle is none shall be allowed to gain by his fraud.

9. In the result, the reference is answered as follows: "The action of the Management of Andhra Bank in terminating the services of Sri K. Venkata Swamy, Ex. Clerk cum Cashier, Adupaka branch w.e.f. 12-5-97 is modified into that of compulsory retirement on 12-5-97 and his services will be treated from the date of his joining from the day and month of his joining in the year 1979 till his dismissal on 12-5-97 in the cadre of sub staff (notwithstanding that he worked as clerk cum cashier from 1985 till 1997) and fix his pay as sub-staff on 30th April, 1997 and then he shall be deemed to have been compulsorily retired as sub staff on 12-5-97 and will be entitled from all terminal benefits.

Award passed accordingly. Transmit.

Dictated to Kum K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the day 8th day of December, 2003.

E. ISMAIL Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 30 जनवरी, 2004

का. आ. 481.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 176/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-04 को प्राप्त हुआ था।

[सं. एल. 12011/190/99-आई.आर. (बी. II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 30th January, 2004

S.O. 481 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 176/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Industrial Dispute between the management of Andhra Bank and their workmen, received by the Central Government on 29-1-04.

[No. L-12011/190/99-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

PRESENT :

SHRI E. ISMAIL, B.SC. LL.B., Presiding Officer

Dated the 8th day of December, 2003

**Industrial Dispute No. 176/2002
(Old I.D. No. 7/2000 transferred from Industrial
Tribunal-cum-Labour Court, Visakhapatnam)**

BETWEEN:

The Zonal Secretary,
Andhra Bank Award Employees Union,
Visakhapatnam Zone,
C/o Andhra Bank, Maharanipeta Branch
Visakhapatnam—530 002

.... Petitioner

AND

The Assistant General Manager.
Andhra Bank, Zonal office.
Seethammadhara
Visakhapatnam—530 013

.... Respondent

APPEARANCES:

For the Petitioner : Sri A. V. Sambasiva Rao,
Advocate

For the Respondent : M/s. Udayachala Rao, S. Lavanya
Laxmi, S. Vikramaditya Babu & S.
Mujib Kumar, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-12011/190/99-IR(B.II) dated 29-2-2000 the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-cum-Labour Court, Visakhapatnam between the management of Andhra Bank and their workman which has been transferred to this Tribunal in view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C.II) dated 18-10-2001 I.D. No. 7/99. The reference is,

SCHEDULE

"Whether the action of the management of the Andhra Bank in inflicting the order of punishment of stoppage of increments with cumulative effect for the period from 1993 to 1996 and also treating the period of suspension from 1-9-90 to 14-5-93 as such to Sri A. Phanibabu, Clerk Staff No. 6511 as per the order of Personnel Manager and disciplinary Authority dated 28-7-93 and confirmed by the Appellate Authority-cum-Dy. General Manager (Staff) in his order dated 4-1-1994 is legal and justified? If not, what relief the concerned Union is entitled to?"

The reference is renumbered in this Tribunal as I.D. No. 176/2002 and notices were issued to the parties.

2. The brief facts as mentioned in the claim statement are. That the workman one Mr. K. Phani Babu worked as clerk staff No. 6511 was issued with a charge sheet No. 666/20 dated 17-9-90 that the delinquent submitted explanation denying charges levelled against him. A show of enquiry was conducted without following procedures which was an empty formality. No opportunity was given. The charges were not only invented for the sole purpose of victimization and unfair labour practice and also to curb the Trade Union activities. The punishment was not proper and arbitrary. Hence, the reference may be answered in favour of the Petitioner.

3. A counter was filed stating that the workman was issued with a charge sheet No.666 20/NV 2294 dated 17-9-90 was issued. the enquiry was conducted properly. That Mr. Phani Babu came to the branch of Andhra Bank on 7-9-90 in a drunken stage and demanded Rs. 2000/- from Mrs Syamala, clerk of the branch and she refused to lend the amount. Mr. Phani Babu got hold of her and misbehaved with her. Subsequently, he turned towards Sri B. V. Ramana Murthy, Clerk without any provocation and pushed him towards the wall which was in the working hours of the bank. Later on Mr. Phani Babu also misbehaved with one Mr. Suryanarayana who come on motor-cycle on official duty and abused him with filthy language. When Mr. Suryanarayana asked Mr. Phanibabu to behave properly, Mr. Phanibabu become wild and assaulted him with fists and hands. In the scuffle, all the letters and cheques which are being carried by Mr. Suryanarayana were scattered at that that time Mr. Phanibabu left the Branch in an autorikshaw and again returned to the Branch along with some goondas and caught hold of Mr. B. V. Ramana Murthy and beat him without any cause or reason which created a feeling of insecurity among the staff members of the branch.

4. An enquiry was conducted. He attended the enquiry and one Sri B. V. V. Kondala Rao participated in the enquiry as defence representative along with chargesheeted employee. Five witnesses were examined on the side of the Management and one witness was examined on defence side. Four annual increments for the years 1993-96 with cumulative effect were imposed on him. The Appellate Authority confirmed the punishment on 4-1-94 following the due procedure laid down in bipartite settlement. Hence, the reference may be ordered in favour of the Respondent.

5. Arguments were heard on the validity of domestic enquiry and this court by an order dated 21-4-2003 held in a detailed order that the enquiry was validly conducted. Hence, arguments were advanced under Sec. 11A.

6. It is argued by the Learned Counsel for the Petitioner that no doubt the enquiry has been held valid by the Learned Tribunal yet, the Tribunal has to see the evidence that so laid in the enquiry and also the conclusions drawn by the Enquiry Officer. The punishment of four annual increments and treating the period of suspension as such from 1-9-90 to 14-5-93 is very harsh and this Court is empowered under Sec. 11A to modify the punishment that has been awarded. Hence, the reference may be answered in favour of the Petitioner.

7. It is argued by the Learned Counsel for the Respondent that he has behaved in a disorderly manner with the staff members including lady employee of the branch he has even manhandled and used filthy language on the staff who was on official duty. It is a gross

misconduct of Clause 19.5(c) of the bipartite settlement. He has been given defence representative. Witnesses have clearly stated against him and the Enquiry Officer has given his report with reasoning that he has behaved in disorderly manner and hence, he does not warrant any interference by the Hon'ble Court. Hence, the reference may be ordered in favour of the Respondent.

8. It may be seen that during the course of the proceedings of the case the workman filed a memo stating that he is ready to withdraw the I.D. if the punishment is modified as stoppage of two increments without cumulative effect and treating the period of suspension as on duty. It may be seen that for such a disorderly behaviour, treating the period of suspension as such from 1-9-90 to 14-5-93 is just and does not warrant any interference. However, stoppage of four annual increments from 1993 to 1996 with cumulative effect seems to be on higher side and hence, the same is modified as stoppage of two increments between 1993 to 1996 with cumulative effect. Accordingly, the reference is answered as follows : "The action of the Management of Andhra Bank in inflicting the order of punishment of stoppage of increments with cumulative effect from 1993 to 1996 is modified to stoppage of two annual increments for the period from 1993 to 1994. However, the Management of Andhra bank is justified in treating the period of suspension from 1-9-90 to 14-5-93 as such to Sh. A. Phanibabu, Clerk Staff No.6511 as per the order of Personnel Manager and Disciplinary Authority dated 28-7-93 and confirmed by the Disciplinary Authority dated 28-7-93 and confirmed by the Appellate Authority cum Dy. General Manager (Staff) in his order dated 4-1-1994 is justified.

Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the day 8th day of December, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

Witnesses examined for the
Respondent

NIL

नई दिल्ली, 30 जनवरी, 2004

का.आ. 482.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मैसर्स एस.जी.एस. इंडिया (प्रा.) लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं०-1, मुम्बई के पंचाट (संदर्भ संख्या 61/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2004 को प्राप्त हुआ था।

[सं. एल-36011/5/2003-आई. आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 30th January, 2004

S.O. 482.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 61/2003) of the Central Govt. Indus. Tribunal-cum-Labour Court Mumbai No. 1 as shown in the Annexure in the industrial dispute between the Management of M/s. SGS (India) Pvt. Ltd., and their workmen, which was received by the Central Government on 29-01-2004.

[No. L-36011/5/2003-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1 AT MUMBAI.

PRESENT:

Shri Justice S.C. Pandey, Presiding Officer

REFERENCE NO. CGIT-61 OF 2003

PARTIES:—Employers in relation to the management of
M/s SGS (India) Pvt. Ltd., Goa

AND

Their workmen.

APPEARANCES:

For the Management : No appearance

For the Workmen : No appearance

State : Goa

Mumbai, dated this the 12th day of January 2004.

AWARD

1. This is a reference under Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of the Industrial

Disputes Act 1947 (the Act for short) the terms of reference as per schedule are as follows:

"Whether the Charter of Demands dated 19-4-2004 (Annexures) 20-11-2002 (Annexures) served on the Management of M/s. SGS Pvt. Ltd. By Mormugao Waterfront Workers' Union and Goa Port & Dock Employees' Union respectively is justified? If not, to what relief the workmen are entitled for?"

2. The case was fixed for appearance of the parties on 29-12-2003. On 29-12-2003 the case was adjourned and fixed for 12-1-2004 giving both the parties further opportunity. The date of hearing was intimated under certificate of posting. No one has appeared before this Tribunal today. It is presumed that parties know the date of hearing.

3. This Tribunal has received a letter from S.G.S. India Pvt. Ltd. (first party) that the parties had settled the dispute on 16-10-2003. A copy of the settlement has been sent to this Tribunal. This copy of settlement may be kept on record of this reference. It states the terms of the settlement.

4. Since the parties have already settled the matter and they have not appeared before this Tribunal, it is disposed of by stating that there is no Industrial dispute between the parties for passing an award as they have not appeared before this Tribunal.

S.C. PANDEY, Presiding Officer

नई दिल्ली, 30 जनवरी, 2004

का.आ. 483.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मैसर्स कोलकाता पोर्ट वाचमेन पूल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकाता के पंचाट (संदर्भ संख्या 29/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2004 को प्राप्त हुआ था।

[सं. एल-32012/1/2003-आई. आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 30th January, 2004

S.O. 483.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 29/2003) of the Central Government Industrial Tribunal-cum-Labour Court Kolkata as shown in the Annexure in the Industrial dispute between the employers in relation to the

management of M/s. Calcutta Port Watchmen Pool and their workmen, which was received by the Central Government on 29-01-2004.

[No. L-32012/1/2003-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 29 of 2003

PARTIES : Employers in relation to the management of
M/s. Calcutta Port Watchmen Pool

AND

Their workmen

PRESENT :

Mr. Justice Hrishikesh Banerji . . . Presiding Officer

APPEARANCE :

On behalf of Management Mr. R.C. Jain, Secretary of the
Association of Shipping
Interests in Calcutta.

On behalf of Workmen Ms. J. Khan, Advocate.

State : West Bengal. Industry : Port & Dock.

Dated : 19th January, 2004

AWARD

By Order No. L-32012/2003/IR (B-II) dated 23-09-2003 the Central Government in exercise of its powers under Section 10(1) (d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether M/s. Calcutta Port Watchmen Pool (managed by Association of Shipping Interests in Calcutta, Shipping House, 13 Strand Road, Kolkata-700001) is an industry within Section 2(j) of the ID Act, 1947 or not—that too when their watchmen are being covered by the provisions of the Payment of Gratuity Act, 1947 and Employees Provident Fund and M.P. Act, 1952 and that too in the light of Bangalore Water Supply and Swerage Board case (1978) 2 SCC 213 : 1978 SCC (L & S) 215 ? Whether the action of the management of M/s. Calcutta Port Watchmen Pool (managed by Association of Shipping Interests in Calcutta, Shipping House, 13 Strand Road, Kolkata-700001) in refusing to provide employment to Mr. Reazuddin Ahmed, Watchman

(T. No. W/M-28) in spite of the acquittal order passed by the 7th Metropolitan Magistrate, Kolkata dated 23-2-1999 (in case No. GR/254/88) is justified or not? Whether Mr. Reazuddin Ahmed, Watchman is entitled for reinstatement, back wages and other consequential benefits from the date of his suspension (i.e. from 1988) to till date? If not, what relief he is entitled?"

2. When the case is called out today, a petition is filed on behalf of the workman praying for dropping and closing the present proceeding. A petition is also filed on behalf of the management praying for allowing the petition of the workman.

3. In view of the above, it is clear that the parties in the present reference are not interested to proceed further. This Tribunal accordingly has no other alternative but to dispose of the present reference by passing a No Dispute Award.

4. A No Dispute Award is accordingly passed and the present reference is disposed of.

HRISHIKESH BANERJI, Presiding Officer

Dated, Kolkata,

The 19th January, 2004.

नई दिल्ली, 3 फरवरी, 2004

का.आ. 484.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार, सी.पी. डब्ल्यू. डी. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं० II, नई दिल्ली के पंचाट (संदर्भ संख्या 147/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-2-2004 को प्राप्त हुआ था।

[सं. एल-42012/76/90-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 3rd February, 2004

S.O. 484.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 147/90) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the industrial dispute between the employers in relation to the management of CPWD and their workmen, which was received by the Central Government on 3-2-2004.

[No. L-42012/76/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL - CUM-
LABOUR COURT - II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE,
NEW DELHI

Presiding Officer : R. N. RAI

ID NO. 147/90

Ram Singh

v/s

CPWD.

AWARD

The Ministry of Labour by its letter dated 18-12-1990 has referred the following points for adjudication to this tribunal.

"Whether the action of management of CPWD New Delhi in not regularizing the services of Shri Ram Singh, carpenter w.e.f. 1-1-1972 is justified? If not, to what relief the workman is entitled to?"

In his statement of claim the workman has stated :—

That the workman Shri Ram Singh has been in the employment since 1-1-1972 as a carpenter. He has unblemished and uninterrupted record of service to his credit. he was being paid wages as fixed and revised from time to time under the minimum wages act and his services have not been regularized in proper pay scale and allowances till his date.

That the no-regularisation of services and payment of lesser remuneration to Shri Ram Singh is wholly illegal, bad, unjust and mala fide for the following amongst other reasons :—

- (i) That employing person or regular nature of jobs and keeping them as casual/daily rated/muster roll workers for indefinite period amounts to unfair labour practice as provided in Section 2(ra) read with No. 10 of the vth schedule of the Industrial Dispute Act, 1947.
- (ii) That is amount to sheer exploitation of Labour.
- (iii) That it is violative of Article 14, 16 and 39(d) of the constitution of India.
- (iv) That it is contrary to law of the land as pronounced by the hon'ble Supreme Court of India in various recent decisions such as :—

1. Randhir Singh V/s. Union of India;
2. Dhirender Chamoli & another V/s. State of U.P.;

3. Surender Singh 7 another V/s. Engineer-in-Chief, CPWD;
4. Brahm Prakash Bharadwaj & 34 Other V/s. M.C.D.
5. Jit Singh V/s. M.C.D.
6. Bhagwan Dass V/s. State of Haryana ; and
7. Prem Chand, Packer & Ors. V/s. State of Himachal Pradesh.

That the demand notice was served upon the management by Registered A/D post vide communication dated 5-4-1988 duly received in their office. A reply was received vide management's letter dated 17-5-1988 but same was quite unsatisfactory and it was presumed that the demand has been rejected. Thereafter, the dispute was raised by filling a statement of claim before the conciliation officer (central), New Delhi. The conciliation proceeding were initiated but resulted in failure because of the adamant and non-cooperative attitude of the management.

It is therefore, prayed that an Award be given in favour of the workman holding thereby the action of the management of CPWD, New Delhi in not regularising the services of Shri Ram Singh, Carpenter is illegal and unjustified and holding him entitled to be regularized in service w.e.f. 1-1-1972 in proper pay scale an allowances an with all non-monetary. The cost of litigation as provided in Section 11(7) of the industrial dispute Act, 1947 be also allowed.

Any other relief, direction or order as may deem fit to this hon'ble Labour Court may also be given in favour of the workman.

In his written statement the opposite party has stated

That para No. 1 is matter of record.

That contents of para No. 2 are wrong and denied. It is denied that there is regular post with the respondent and that the petitioner has been denied, the appointment thereon. The respondent could not regularize the service of the petitioner because of this reason.

That content of para No. 3 are wrong and denied. It is denied that the action of the respondent is illegal, vad or mala fide as the regular vacancy for which he could be considered does not exists with the respondent.

Reply to Sub-Paras

- (i) That content of para No. 3 (i) are wrong and denied. It is denied that the respondent has employed people like petitioner for regular work and that they have been kept as casual, daily rated and the respondent has violated any law and/or is violating Industrial Dispute Act Schedule of I.D. Act.

- (ii) That content of para No. 3 (ii) are wrong and denied being contrary to law. The respondent is not exploiting the labour of the petitioner.
- (iii) That content of Sub-para are wrong and denied. It is denied that the respondent has flouted article 14, 16 and 39 (d) of the constitution of India.
- (iv) That content of this sub-para are matter of record. The case law is not applicable to the petitioner.

That content of this para in so far receipt of notice are concerned are matter of record. The claim of the petitioner is not maintainable because the respondent cannot regularise the petitioner without following office/ Govt. Rules relevant law for selection of regular persons to work on regular basis, as and when vacancies arises with the respondent.

It is therefore, prayed that the claim of the petitioner may please be dismissed.

Para No. 1 of the written statement needs no reply.

Para No. 2 of the written statement is wrong and denied. The statement made in the corresponding para of the statement of claim is reaffirmed and reiterated. It is further submitted that the non regularization of services of Shri Ram Singh on the post of Carpenter is a clear violation of the directions issued by the Hon'ble Supreme Court of India.

Para No. 3 of the written statement is wrong and denied. The statement made in the corresponding para of the statement of claim is reaffirmed and reiterated.

- (i) Sub-para No (i) of para No. 3 of the written statement is wrong and denied. The statement made in the corresponding para of the statement of claim is reaffirmed and reiterated.
- (ii) Sub-para No. (ii) of para No. 3 of the written statement is wrong and denied. The statement made in the corresponding para of the statement of claim is reaffirmed and reiterated.
- (iii) Sub-para No. (iii) of para No. 3 of the written statement is wrong and denied. The statement made in the corresponding para of the statement of claim is reaffirmed and reiterated.
- (iv) Sub-para No. (iv) of para No. 3 of the written statement needs no reply. However, the statement of claim is reaffirmed and reiterated.

Para No. 4 of the written statement is wrong and denied. The statement made in the corresponding para of the statement.

Of claim is reaffirmed and reiterated.

In view of the above submission, the written statement of the management be rejected and an award be given in favour of the workman as prayed for.

Heard the argument from both the sides. The learned council for the workman argued that it is admitted that Shri Ram Singh has been working as carpenter and he is still working but his services had not been regularised. Junior carpenter to him have been regularised but this carpenter has not been regularised. The learned council for the management said that recruitment rules have been made for the appointment of the carpenter 50% direct recruitment and 50% by promotion. This carpenter was asked to appear in test but he did not appear so he was not regularised. Affidavit have been filled that Shri Ram Singh refused to accept the said letter in the presence of Shri Ajit Kumar Sethi junior engineer.

Shri Ajit Kumar Sethi has further filled affidavit that Shri Ram Singh refused to sit in the trade test. Thus it is admitted from the both sides that Shri Ram Singh was a muster roll carpenter and he did not sit in the trade test.

The substantial question is whether the test should be held at the very beginning or after a few years of muster roll work. The learned council for the workman cited 1990 SCC page 174 the hon'ble Supreme Court has held that daily rated workers serving for long with artificial breaks in service whether they possessed minimum educational qualification should be regularised. The question is relevant at the stage of appointment but not at the stage of confirmation when workers gained long experience. In 1987 (6 ELJ 26 SC) it has been held that there should be equal pay for the equal work 1996 SCC 5 page 500 is not applicable in this case.

The learned council for the management said that passing of an examination is a pre-requisite. The principal question is that the rule framed by the CPWD will prevail are the provisions of the ID Act will prevail. In (2001) 3 SCC 574 it has been held that carpenter etc. who worked for 14 years if not regularised that will amount to unfair labour practice. There qualification may be relaxed in view of the pronouncements of the hon'ble Supreme Court. The workers who are working for a long period the qualification may be relaxed for regularisation.

In the instant case it is admitted that Shri Ram Singh is working as carpenter w.e.f. 1-1-1972. So it has been a long period. In such matter the law laid down by the hon'ble Supreme Court is explicitly applicable. Even if Shri Ram Singh did not pass the trade test, that qualification should be relaxed and he should be regularised. In case he is not regularised it will amount to unfair labour practice which is prohibited by the ID Act.

The next question is since which date he should be regularised. He was working as carpenter from 1-1-1972

but he did not refer the matter of his regularisation before 14-12-1990. He did not pass the trade-test so he does not deserve to be regularised from 1-1-1972. But in view of his not appearing in the test he could be regularised from the date on which the reference to this court is made w.e.f. 14-12-1990. In view of his not passing the test he is not entitled to full wages but he is entitled to 50% wages.

Shri Ram Singh deserve to be regularised from 14-12-1990 with 50% back wages. He is entitled to get usual increments. The award is given accordingly..

R. N. RAI, Presiding Officer

नई दिल्ली, 3 फरवरी, 2004

का.आ. 485.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, सिंडिकेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं० 2, नई दिल्ली के पंचाट (संदर्भ संख्या 75/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-1-2004 को प्राप्त हुआ था।

[सं. एल-12012/73/95-आई. आरं. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 3rd February, 2004

S.O. 485.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 75/95) of the Central Government Industrial Tribunal-Cum-Labour Court No. 2, New Delhi now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 30-1-2004.

[No. L-12012/73/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II NEW DELHI

PRESIDING OFFICER: R. N. RAI ID NO. 75/95

K. C. KOTHARI

V/s

SYNDICATE BANK

AWARD

A reference was received from the Desk Officer for giving award within three months. The reference which is

to be adjudicated upon is "whether the action of the management of Syndicate Bank, New Delhi" in terminating the service of Shri K. C. Kothari by treating him as having voluntarily retired from service w.e.f. 11-3-1992 is legal and justified. If not to what relief the said workman is entitled.

The claimant has filed statement of claim. He has stated that the applicant Shri K. C. Kothari was appointed on a permanent post on 21-7-1983, Gurutck Bahadur Nagar, Shakha as an army guard. Prior to that he was engaged in different branches the details of which are given below :—

(1) From 28-4-83 to 12-5-83, Dhaula Kuan Branch 15 days.

(2) From 13-5-95 to 16-7-95, Pusa Campus, New Delhi 65 days.

It indicates that this particular shows that he worked for 80 days.

The claimant has further stated that his wife fell ill and he was engaged in the treatment of his wife and regarding the ailment of his wife he has given letter to Bank Management G.T.B. Branch on 17-7-91. He has prayed that he should be given leave upto 31-12-91 so that he may get his wife completely cured. The applicant waited but no reply was given.

The applicant again on 16-8-91 was compelled to take leave in regard to treatment of his wife and he has informed the Bank.

The applicant intimated the management regarding his trouble but the management did not keep on the regard the application and troubled him mentally. Further, he was deprived of his service on 11-11-92 as the Bank treated him compulsory retired. The applicant has not given any application for compulsory retirement. According to the bipartite settlement there is a rule that an employee can remain on leave without pay for one year but the management did not give any heed to that rule and treated him as compulsory retired prior to one year.

He has further stated that he prayed to the Bank that he should be given leave on loss of pay. He should be transferred to Saharanpur, Kankhal or Haridwar. He should be treated as an attendant so that he may get his wife treated. He produced medical certificate before the Bank but even then the Bank did not take any notice of the service. The Bank by its letter dated 18-3-92 terminated his services deeming him as compulsory retired. It has been further stated that a suit has been instituted for recovery of loan that matter is not pertinent here. He has prayed the tribunal to give due compensation to him and to give all the expenses and damages to him and direction be issued to the Bank. He should be again reinstated in the Bank and the suit for realization of loan should be stayed.

The Bank has filed written statement :—

That the petitioner is not a workman as defined under Section (s) of the I.D. Act, 1947. The petitioner is specially excluded from the definition of the workmen and as such any dispute which may arise in the course of the petitioner's employment with the respondent cannot constitute an industrial dispute. The petition is liable to be rejected on this short point.

Without prejudice to the above it is submitted that the condition of service of the staff including that of the petitioner, are governed by various provisions of the bi-partite settlements. As per clause 16 of the bi-partite settlement dated 10th April 1989, if an employee absents himself unauthorisedly from duty for more than 90 days, the management can treat him as voluntarily retired from the services of the Bank by giving 30 days notice directing him to join duties and also to submit his explanation. If the concerned employee fails to adhere to the above conditions, he can be treated as voluntarily retired.

That in the present case the petitioner was working as Armed Guard at G.T.B. Nagar branch of the respondent bank and in terms of memorandum dated 5th September, 1991 he was transferred from G.T.B. Nagar branch to Palam branch. The petitioner was relieved by G.T.B. Nagar branch vide memorandum dated 11th October, 1991 in absentia by post, advising him to report for duty at Palam branch.

It is further submitted that while functioning at G.T.B. Branch the petitioner started absenting himself from duty unauthorisedly without proper intimation, without submitting leave application and without sanction of leave from the competent authority since 16 August, 1991. The Divisional office of the respondent bank vide letter dated 31st October, 1991 called upon the petitioner to report for duty immediately. The petitioner was also informed that he has already been relieved by G.T.B. Nagar branch on 11th October, 1991. The petitioner was again advised vide letter dated 23rd November, 1991 to report for duty at Palam branch immediately failing which the respondent will be constrained to take appropriate action as per rules in force. Again vide letter dated 3rd December, 1991 the petitioner was called upon to rejoin the duties within 3 days of the receipt of the letter submitting an explanation/leave application.

The petitioner vide his letter dated 10th December, 1991 acknowledged the receipts of letters dated 31st October, 1991 23rd November, 1991 and 3rd December, 1991 but expressed his inability to report for duty. The petitioner further requested for considering his transfer to Saharanpur, Haridwar or Kankhal branch. The respondent's Divisional office vide their letter dated 19th December, 1991 gave a final opportunity to the petitioner to report for duty within 3 days submitting his explanation and proper leave application.

That the respondent's personnel Department replied to the petitioner's letter dated 10th December, 1991 vide their letter dated 23rd January, 1992 informing him that his request for transfer to Saharanpur, Haridwar or Kankhal cannot be considered favourably and he should report for duty at Palam branch immediately submitting satisfactory explanation for his unauthorised absence.

The petitioner vide his letter dated 31st January, 1992 acknowledged the receipt of the respondent's letter dated 23rd January, 1992 but expressed his inability to report for duty at Palam branch. In spite of the above letters and instructions, the petitioner failed to report for duty and he continued to be absent from duty/work unauthorisedly. Vide notice dated 11th February, 1992 the petitioner was directed to report for duty within 30 days of the notice i.e. on or before 11th March, 1992 failing which the bank will be constrained to deem that the petitioner has voluntarily retired from the bank services on the expiry of the said notice as per the provisions of 5th Bi-partite settlement. The petitioner was further instructed to submit an explanation for his unauthorised absence and submit necessary explanation that he has no intention of not joining duty/work. The notice was duly served on the petitioner and acknowledged vide his letter dated 24th February, 1992 and the petitioner submitted that he is unable to report for duty at Palam branch. The letter of the petitioner was replied by the respondent vide their letter dated 6th March, 1992 wherein he was informed that his explanation for his unauthorised absence is not found satisfactory and as such he should report for duty in terms of notice dated 11th February, 1992. In spite of the notice and repeated opportunities, the petitioner neither reported for duty nor submitted satisfactory explanation for his unauthorised absence and he has not furnished any evidence that he has no intention of not joining duty till the expiry of the notice period i.e. on or before 11th March, 1992. The competent authority after going through the entire records ordered that in terms of clause No. XVII of the Bi-partite settlement dated 10th April, 1989 the petitioner is deemed to have voluntarily retired from the date of the expiry of the notice dated 11th February, 1992.

In view of the above submission there is no merit in the claim set up by the petitioner and as such the claim merits dismissal.

That it is submitted that the purpose of recruiting the petitioner as an Armed Guard is to safeguard the person and property of the bank and the petitioner was specifically recruited for such job. The recruitment to this cadre was specific to such person who possess valid licence to carry arms and as such management was unable to appoint anybody else in his place and thus the security of the bank was at stake on account of the unauthorised absence from duty for a long period.

It is further submitted that even according to the letter of the petitioner, he demanded transfer to his place of choice and conveyed his inability to join in the branch to which he was transferred on flimsy grounds and also demanded to post him to the place of his choice that too in the cadre suitable to him though he was not entitled for the same, goes to show that the intention of the petitioner is malafide and he had no intention to continue in the services of the respondent bank as an Armed Guard. Hence it is submitted that the claim of the petitioner is liable to be dismissed as untenable.

In reply to para 1 of the petition, it is not disputed that the petitioner was appointed as an Armed Guard from July, 1983 and worked as such till the date of his voluntary retirement. Rest of the para is wrong. However, the petitioner be put to strict proof to substantiate that he had worked as an Attender on the temporary basis in some of the branches between April 1983 and July 1983 as alleged in the petition.

Para No. 2 of the petition is wrong and denied. The allegations are denied. It is denied that petitioner submitted any leave application to the management of G.T.B. Nagar branch as alleged.

Para No. 3 of the petition is wrong and denied. It is denied that at any point of time, the petitioner had informed the bank about his intention to avail leave nor he sought subsequent sanction. In fact the petitioner absented unauthorisedly from 16th August, 1991 and the management/bank issued him letters directing him to join for duties at Palam Branch to which he was posted from G.T.B. Nagar Branch.

Para No. 4 of the petition is wrong and denied. It is submitted that instead of joining the duties, the petitioner insisted that he should be posted to the branches of his choice as an Attender though he was recruited and worked in that category. Since the petitioner did not comply with the instructions of the management, a notice of voluntary retirement was issued to him under the bi-partite settlement and he was treated as voluntarily retired since he failed to comply with directions given in the said notice. All other allegations made in this para are wrong and denied.

Para No. 5 of the petition is wrong and denied. The petitioner was treated as voluntarily retired as per the provisions of the service conditions applicable to him and that too after giving him due notice and after his failure to comply with the instructions of the respondent management.

Para No. 6 of the petition is wrong and denied. It is denied that there is any provision in the service condition applicable to the petitioner to remain on leave without pay for a year. In fact, as per the service conditions, no leave can be availed as a matter of right by the petitioner and he

can avail any type of leave after obtaining prior permission from the competent authority.

In reply to para 7 of the petition it is submitted that the place set up by the petitioner in this para are untenable and without any basis. It is submitted that the petitioner cannot claim and insist for posting to the place of his choice and that too with a choice of cadre. In this case the petitioner was recruited as an Armed Guard and he cannot demand to convert him as an Attender. Further the branches selected by him for transfer are not within the administrative control of the zonal office, Delhi under whose control he was working while at Palam branch and it was beyond the power of the zonal Manager to consider his request. Moreover the recruitment to the cadre of Armed Guards are made on need basis and to the minimum extent and as such the request of the petitioner to create a vacancy in a place of his choice and to convert him into a different cadre could not be accepted.

Para No. 8 of the petition is wrong and denied. The demand of the petitioner under this paragraph cannot form part of the industrial dispute. It is the inherent right of the respondent bank to recover his dues from anybody including its own employees. Though the loans were given to the petitioner while he was in service and with an intention to recover the same from a salary, the bank has got every right to demand its dues even if the petitioner cease to be an employee and reserve its rights to invoke all the provisions of law available to it.

In reply to paras 9 and 10 of the petition it is submitted that all the allegations/averments made in these paras are wrong and denied as baseless and concocted.

Para No. 11 of the petition is wrong and denied. It is denied that the petitioner submitted any alleged leave application for his absence acceptable to the bank.

As regard para 12 of the petition it is submitted that though it is a fact that the respondent bank has been taking steps to recover their dues from the petitioner but the said proceedings for the recovery of dues, cannot form part of the present industrial dispute nor any adjudication can be made in that respect.

Para No. 13 of the petition is wrong and denied. The relief sought by the petitioner in this para cannot be granted by this Hon'ble Tribunal because the action of the management/bank does not amount to punishment and as such the provision of section 11(a) of the I.D. Act cannot be invoked.

Para No. 14 of the petition is wrong and denied. The demand is false, baseless and untenable.

Para No. 15 and 16 of the petition are wrong and denied. The allegations are false.

Para No. 17 of the petition is wrong and denied. The allegations are false and baseless.

The petition is false and baseless. The petitioner is not entitled to any relief whatsoever. The petitioner is not a workman. The claim petition merits dismissal and the same may kindly be dismissed with costs.

Heard arguments from both the sides and perused the records. The learned counsel for the claimant argued that the applicant can remain on loss of pay for two years. His wife was sick and he had to get his wife treated. He was busy and he could not inform his employer. After 90 days, he received notice regarding his absence and at that time, he informed the bank that his wife was ill and he was getting treatment of his wife. He sent application on 17-02-1997 in which he requested that his wife always remains ill. He has to remain on L.O.P. for the treatment of his wife. The bank has terminated his services on the ground of voluntary retirement whereas he has given no application for voluntarily retirement.

It was further argued that the work man/claimant on 17-7-1991 sent a letter that he should be posted under the post of Attender so that he may get his wife treated and LOP upto 31-12-1991 be provided to him. He has written letter dated 11-7-1996 to the Divisional Manager and prayed that he should be posted under the post of Attender. When he went to Roorki to look after his ailing wife, unfortunately he also fell ill so he sent the Medical Certificate of the Doctor.

The learned Counsel for the claimant argued that he has been given compulsory retirement and cessation of service. Without taking any application from him and without his consent, so he should be reinstated.

The learned Counsel for the Opposite Party said that he was absent for 90 days without notice then he was given show-cause notice. In reply to the show-cause notice, he said that his wife was ailing and so he could not joint duty. He was working in GTB Nagar Branch for 8 years, he had given no application for transfer to Saharanpur, Hardwar Branch but he was transferred from GTB Nagar Branch to Palam Air Force Station and he was unable to go to that place. Without his application, under what circumstances, he has been transferred from GTB Nagar Branch to Palam Air Force Station, he should be re-transferred to his previous place of posting.

It was further argued that a notice dated 11-7-1996 was given to him and in this notice, it was mentioned that if he failed to report immediately on receipt of the letter, appropriate action will be taken against him.

He has taken some loan regarding which the recovery suit has been filed but this matter has not been referred to the Tribunal for adjudication. In the circumstances, no decision can be given on that point if any dues the applicant has to recover, he may get that adjusted in the recovery proceedings. The recovery proceedings are not here the

subject of discussion. The workman had written that he should be given his remaining wages, fund and gratuity. He was a ex-serviceman and he was deputed as Armed Guard so that question of giving any gratuity, pension and fund does not arise.

The learned counsel for the opposite party drew my attention to the workman letter dated 10-12-1991 in which he has stated that his transfer to Palam Airport be cancelled and he should be transferred to any other branch. Vide letter dt. 17-07-1991, it is explicit that he has asked for LOP upto 31-12-1991. LOP has been sought for 31-12-1991 but the letter has been sent on 17-7-1991. In his letter dt. 9th October, 1991, the workman has said that he does not want to join duty to any other branch except GTB Nagar Branch and he does not want to go to any other branch. The workman in his letter dt. 14-12-1992 that he should not be compelled further to joint Palam Airport. In his letter dt. 24th February, 1992, the workman has written that he could not play with his life and he could not joint duty on Palam Airport, incase he is compelled. He is absolutely unable to join duty there.

The learned counsel for the applicant stated that under the provisions of the bi-partite settlement, if a notice is given within 90 days, the workman has to reply specifically within 30 days and he should give explanation for not reporting to duty. In the instant case, the workman after service of notice has not specifically explained as why he has not joined duty.

Invoking paragraph 17 of the bi-partite settlement dt. 10-04-1979 for unauthorized absence and has no intention to join duty, he has been given compulsory retirement and cessation of service.

I have referred to the several letters of the claimant but in all those letters, the claimant has refused to join in Palam Airport. If he is in service of the bank then he is compelled to report to duty wherever he is transferred, he cannot compel the authorities to transfer him at a particular place. In this context, 1998 LLR 385, AIR 1978 SUPREME COURT, 1380, AIR 1978 SUPREME COURT, 1285, 2000 LLR 689 AND 2000 LLR 689, 2000 LLR 697 have been referred to, I have gone through the judgements of the Hon'ble Court. The judgement of the Hon'ble High Court do not apply to the instant case in as much as the employee/workman has himself written several times that he is unable to report to duty at the Palam Airport where he was transferred. So he was not willing to joint his duty, on the ground of unwillingness of joining his duty under the Provisions of by-partite settlement referred to above, he has been given voluntarily retirement. He could got the funds, i.e. GPF, Gratuity, Pension as he was appointed on a fixed pay.

The point for adjudication to this Tribunal is regarding voluntarily retirement from service of the

workman and a decision has been sought whether it is legal and justified.

The question referred to for adjudication is replied in negative. The voluntary retirement of Shri K.C. Kothari, Armed Guard dt. 11-3-1992 is valid and the workman is not entitled to any relief sought for.

R. N. RAI, Presiding Officer

नई दिल्ली, 3 फरवरी, 2004

का.आ. 486.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, इंडियन ओवरसीज बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं०-2, नई दिल्ली के पंचाट (संदर्भ संख्या 90/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-1-2004 को प्राप्त हुआ था।

[सं. एल-12012/202/95-आई. आर. (बी. II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 3rd February, 2004

S.O. 486.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 90/95) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the Management of Indian Overseas Bank and their workmen, which was received by the Central Government on 30-1-2004.

[No. L-12012/202/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R.N. RAI

LD. NO. 90/1995

Devinder Singh

Vs.

Indian Overseas Bank

AWARD

The Ministry by its letter dt. 21-1-1997, has referred the following point for adjudication:—

“Whether the action of the management of Indian Overseas Bank, Agra in terminating the services of

Shri Devinder Singh, Messenger, Agra w.c.f. 30-6-1988 is legal and justified? If not, to what relief is he entitled to?”

The claimant has filed statement of claims. In his statement of claims, he has stated that he was appointed on 26-10-1985 by the employer as Class-III employee on the vacant post. After taking two days service at Hathras Road Branch he was transferred to Hathras Road Branch and he was in service till 5-4-1987 and for the last time, he worked on 6-4-1987 at Mahatma Gandhi Road Chauraha, Dhakran, Nai Ki Mandi, Agra. He further stated in his claim that he has always worked with honesty, sincerity and devotion to duty.

That on 30-06-1988, the then Branch Manager of Mahatma Gandhi Road, K.S. Bansal got a false FIR lodged against the workman/applicant and he has to go to jail. After being released on bail, he approached the authorities but he was told that since there is a case of forgery pending, against him so he could not be taken on service. The workman/applicant is a very poor man having a family of five members.

That on 1-6-1992, the Judicial Magistrate-I, Agra in his judgement acquitted the workman. Thereafter the workman again reached his employer and gave him a copy of the judgement but after many attempts, he was not permitted to join service on some plea of the other.

That his service has been dispensed with without any reason. No notice was given to him. No enquiry was made which is illegal. The employee has served the said bank from 28-10-1985 till 30-06-1988 regularly.

He has stated in the court also that he has worked for 4-5 years and he was the senior most amongst the temporary employees.

That after getting no attention from the employer, he has sent application to Asstt. Labour Commissioner, Lucknow but on some plea or the other, he was not reinstated. No charge sheet has been served on him. So the employee should be reinstated.

His name was included in the approved penal of temporary messenger. He was temporary messenger from 28-10-1985 to 06-04-1987. He was engaged in Agra upto 30-06-1988. The allegations of para 3 are denied. He introduced Saving Bank Account No. 35531 in the name of Nudkhan and two times, amounts have been withdrawn. The allegations of the other paras are denied and FIR against him under Section 420 IPC was registered and he was dismissed from service. In his rejoinder, the claimant has said that he was facing trial since 1992 and when he was acquitted by the Court, he gave application to the Bank Manager but he did not give any attention. Thereafter he moved several applications through the VIPs. Those applications were sent to the bank but the bank did not

reinstated him. At last, he reported to the Conciliation Officer and the matter could not be settled there and the matter was referred to this Tribunal since the charge on which the claimant was removed from service is not correct so he should be re-instated.

The claimant has further said that the written apology was in voluntary. The petitioner is not bound by it. In case, the petitioner has faced the trial and no disciplinary enquiry has been held against him and in that trial, the petitioner has been acquitted and the letter of confession has also been not found bonafide by the trial court so no offence stands against him and he deserves re-instatement.

The Opposite Party has filed written statement. It is stated that claim petition has been filed after 7 years. The workman himself stopped coming to the bank after 30-06-1998. He approached the bank only on 3-6-1992. He was working as a temporary messenger and, he was temporary. The Industrial Tribunal has no jurisdiction. He was engaged as a temporary messenger at Hathras Road from 28-10-1985 to 6-4-1987 and at Agra Main Branch from 8-4-87 to 30-06-88. from 8-4-87 till 30-6-88, he worked as temporary Messenger at Agra Main Branch. It is further stated that on 4-6-1988, he introduced the Saving Bank Account 35531 in the name of Nudkikhan on 11-6-88 and 20-6-88 by fraud a sum of Rs. 8500/- was drawn from the account. It was detected by the bank and the petitioner confessed his guilt and gave a letter of apology in writing to the Manager. The Branch Manager lodged a complaint at Nai Ki Mandi Police Station under Section 420 IPC. The finding of the criminal court does not affect the disciplinary action taken by the management. The petitioner raised the dispute before the Labour Commissioner on 19-08-1994 and the matter was referred to the court. The petitioner in the oral enquiry conducted by the Branch Manager on 30-06-88 has admitted the charge and gave written apology and application for grant of loan.

The workman claimant has filed rejoinder. He has denied the allegations of written statement. It is stated that he was found innocent but by the Trial Court, under Section 420 IPC and he was acquitted. Thereafter he approached the Bank Manager but he did not reinstate him. Thereafter he sent several letters to the Ministers for sympathetic consideration but no heed was paid to him. At last he moved the Labour Commissioner for reconciliation but that too failed on 29-09-1994. Thereafter the matter was referred to the Tribunal for deciding the point in dispute.

Heard the arguments and peruse the written statement of the Opposite Party. It was argued from the side of the workman that at worst he has introduced the account of Nudkikhan but there is no evidence regarding withdrawal of money if 200 was deposited under what circumstances, Rs. 8500/- was overdrawn. No enquiry was held but instead an FIR under Section 420 IPC against the

workman Nudkikhan and the claimant was lodged by the Bank Manager.

The learned counsel for the workman stated that the workman/applicant Nudkikhan were acquitted of the charges under Section 420 IPC. It indicates that there was no offence against them and the workman has been simply dispensed with the services on the ground of fraudulently withdrawing Rs. 8500/-. It was further argued that in case he introduced the account of Nudkikhan, the amount was withdrawn by the signature of Shri Nudkikhan. The workman/applicant has nothing to do with that. There is no question of misrepresentation or cheating as he has introduced the account of a person who is genuine person and in case, Rs. 8500/- was withdrawn, it was withdrawn with the collusion of the bank officials, the workman/applicant has nothing to do with that.

It was argued on behalf of the workman that the Judicial Magistrate has dealt at large about the confessional letter of the workman and has reached the conclusion that since he was a messenger, he wrote that confession under undue influence and coercion of the Manager. The Manager was in a dominating position. He would have assured him that in case he wrote such a letter, his services would not be terminated. Being allured by such assurances, the workman wrote that the letter. In the Trial Court Judgement there is detailed discussion regarding the value of that letter and the Trial Court has held that the letter was obtained under undue influence, coercion and threat and that is not admissible in evidence. The order of the Manager of the Bank cannot supercede the findings of the Trial Court. No appeal has been filed against the order of acquittal of the Hon'ble Court. It was argued that it was a high-handedness and mala fide intentions of the authorities that after acquittal by the Trial Court, they did not reinstate the employee. There are letters on record which show that he was worked in the bank for 4-5 years and he was the first person to become permanent in the list of temporary messengers if the workman has worked for 4-5 years then he is to be made permanent. It has been admitted by MW-1 that only oral enquiry was held no written enquiry was held. No evidence of the witness was recorded whereas in Trial Court, all the witnesses have been examined. It was further argued that the workman has been unnecessarily harassed in case the court finds him non-guilty he should be reinstated with full wages alongwith 12% interest in view of his suffering for such a long period.

The Management has filed written arguments. In written arguments, it has been specifically admitted that the workman worked for 4-5 years and FIR was lodged against him but he accepted his guilt and gave written apology so his services were rightly terminated. I have already discussed that in view of the Trial Court detailed judgement, the order of the Branch Manager is of no value and the Branch Manager cannot be said to sit in appeal

over the well discussed judgement of the Trial Court where all the relevant witnesses have been examined.

The only evidence against the workman/applicant is his confessional letter. The Trial Court has held that it was obtained under undue influence and false assurances in order to harm the workman. From the side of the management, my attention was drawn (1996) 4 Supreme Court cases 374, (1979) 3 SCC 371, (1975) 2 SCC 661, (1973) 1 SCC 813.

In these cases, the appellant was found guilty of embezzlement and so the Hon'ble Supreme Court did not order written statement of the workman but in the present case, no such embezzlement has been proved as there was no enquiry. The workman was prosecuted and he was acquitted by the Hon'ble Court.

1992-93 SCC 136 is about latches, 1993 SCC-141 is also regarding latches, it has been written in the written argument that the workman was acquitted by the Court in 1992 but be filed ID in 1995.

I have already mentioned above that he wrote letters to the Ministers, the Senior Officers of the Bank and it is admitted that he approached the Bank Manager after acquittal but no attention was paid to his request. Thereafter he was compelled to go to the Labour Commissioner and thereafter the Industrial Dispute was referred to the Tribunal so there is no latches. All the decisions of the APEX Court and the Hon'ble High Court annexed with the written arguments are not relevant in the facts and circumstances of this case.

From the above, it is obvious that an FIR was lodged under Section 420 IPC against the workman and he was acquitted by the Hon'ble Trial Court and after his acquittal whatever offence was alleged against him became a nullity. His confessional letter is of no importance in view of the judgement of the Hon'ble Trial Court. The authorities ought to have reinstated him after judgement of the Trial Court as that judgement brought him to his previous status. There is no other charge except an FIR under Section 420 IPC, there was no enquiry held against him even if an enquiry has been held in that case also, the judgement of the Trial Court will supersede the enquiry.

It is clear from the above discussion that no charge stands against the workman employee and he deserves to be reinstated with full back wages. In case a deliberate delay in made in that case, he may get penal interest of 12.

The action of the Management of Indian Overseas Bank. Agra in terminating the services of Shri Davinder Singh. Messenger. Agra w.e.f. 30-6-88 is neither legal nor justified. The claimant deserves to be reinstated with full back wages right from the date of the termination of his services alongwith all the emoluments and increments which he ought to have got had he not been illegally and

unjustifiably removed from service. In short the workman is entitled to full back wages and due increments from the date of dismissal. Award is given accordingly.

R. N. RAI, Presiding Officer

नई दिल्ली, 3 फरवरी, 2004

का.आ. 487.— औद्योगिक विवाद अधिनियम, 1947. (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, एयर इंडिया लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण I, मुम्बई के पंचाट (संदर्भ संख्या 9/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2004 को प्राप्त हुआ था।

[सं. एल-11012/21/97-आई. आर. (सी. 1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd February, 2004

S.O. 487.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/98) of the Central Government Industrial Tribunal/Labour Court I- Mumbai now as shown in the Annexure in the Industrial dispute between the the employers in relation to the Management of Air India Ltd., and their workmen, which was received by the Central Government on 29-0-2004.

[No. L-11012/21/97-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I AT MUMBAI

PRESENT:

SHRI JUSTICE S. C. PANDEY, Presiding Officer

REFERENCE NO. CGIT-9 OF 1998

PARTIES :—Employers in relation to the management of
Air India

And

Their workman Shri G. K. Jadhav.

APPEARANCES:—

For the Management : Shri Lancy D'Souza

For the Workman : Shri M. B. Anchan, Advocate

State : Maharashtra

Mumbai, dated the 16th January, 2004

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of Sub-section 1 and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 (the Act for short). The terms of reference given in the schedule are as follows :

“Whether the action of the management of Air India Ltd. in dismissing the services of Shri G. K. Jadhav, Sr. Aircraft Technician with effect from 7-2-1995 is legal and justified? If not what relief the workman concerned is entitled to?”

2. The undisputed facts of this case are that Gajanan K. Jadhav (the workman for short) was employed as confirmed Technician with the Air India Ltd. (the company for short) till he was dismissed from service as per order dated 7-2-1995.

3. Shortly stated the relevant facts stated in statement of claim are as follows. The workman was suffering mental depression or disorder in 1993. He left his home without informing his wife for a period of four months. It is alleged that during this period the workman was looked after by his friends. He was treated by Dr. Kumawat between 13-9-1993 to 30-8-1994. It is alleged that when the workman left his home two letters dated 28-9-1993 and 20-10-1993 were written by his wife to the Deputy Engineering Manager, Central Repair Factory, Old Airport, Santacruz informing that her husband missing. The authority to whom the letters were addressed was the immediate superior of the workman. The workman returned back in January, 1994. It was claimed by him that he had lost confidence in himself. In first week of August he contacted one Mr. Kamat. On 10-3-1994 a chargesheet was issued against him charging him with remaining habitually absent for more than ten days and doing acts subversive to the discipline. The workman gave reply dated 12-12-1994 and 20-12-1994. The workman stated that he was being treated by the Medical Officer Dr. Gajre who referred him to Dr. Gada, the Psychiatrist. The last named doctor treated him for two weeks. Thereafter he was referred to Dr. Alivia. Both these factors given certificates in his favour. The workman stated his absence for 13-9-1993 to 6-10-1994 was considered and adjusted in leave record. The workman did not dispute that he attended the enquiry on 17-10-1994 but despite his mental illness he was dismissed from service on 7-2-1995. The workman stated that the charge sheet was not maintainable. The findings are perverse. They were biased. Thereafter, it is alleged that workman raised the industrial dispute. The workman prayed for reinstatement with full back wages.

4. In the written statement it was stated that by order dated 6-12-1998 approval was granted by this Tribunal. It was claimed that there was considerable delay and for this reason the reference was not maintainable. On facts it was stated that workman was not mentally depressed or sick as claimed by him. He was running a private lottery and owed

thousands of rupees to the employees of the company. Therefore he disappeared on 13-9-1993. He produced one medical certificate on 30-8-1994 for 13-9-1993 to 30-8-1994. That was a bogus certificate. It was stated that a concocted story was given in letters dated 28-9-1993 and 20-10-1993. It was alleged the workman went to the medical department of company on 6-10-1994. He was found fit. The workman was fit and he appeared before the enquiry committee and voluntarily admitted his guilt. Thus the findings of the enquiry committee were in accordance with the principles of natural justice. It was alleged that the workman was given opportunity of hearing. Thereafter a show cause notice dated 5-12-1995 was served upon the workman. The reply was submitted by the workman but it was not found satisfactory. Thereafter order dated 13-1-1995 dismissing the workman from service was passed. The order dated 13-1-1995 was sent to other residential address of the workman by posting the letter on 7-2-1995. The workman was charged for remaining absent between 13-9-1993 to 8-3-1994 without sanction. He was absent upto date of chargesheet for 177 days. Even after 8-3-1994 the workman remained absent till 6-10-1994. It was also pointed out that this Tribunal had granted the application for approval by judgement dated 6-12-1998.

5. The workman filed a rejoinder denying all allegations in the written statement.

6. The workman filed his affidavit in support of his claim. It was treated as examination-in-chief. He was cross-examined. The workman closed his case. Shri M. M. Joshi was examined by the company. He was the enquiry officer. The parties filed their documents and proved them.

7. The workman had admitted in the statement of claim that he appeared before the enquiry officer. Therefore the question that arises for consideration is if the workman was given an opportunity of hearing. In this connection document M-17 shows that workman admitted that he was accepted the charges. He was shown the attendance record. He agreed with the record. He asked for 3 weeks time for making his submission in writing. When he did not do so, for three weeks the enquiry officer submitted the enquiry report. This recorded in the enquiry report M-8. Mr. Joshi, the enquiry officer was not cross-examined on this aspect. However the witness stated that workman had admitted that he absent without leave. Therefore he did not consider necessary to call for record. The workman has not denied that he was not present in the enquiry. He also did not deny that he did not admit before the enquiry officer Shri M. M. Joshi. Therefore the question of holding that the enquiry was conducted in his absence did not arise. The finding based on admission is not perverse.

8. It appears that case of the workman appears to be that his application for leave was granted. He has produce (Ex.W-7) his leave card. This document does not show that leave of the workman was sanctioned at any point.

The workman did not raise this point in his reply to show cause notice. He could have raised this point in appeal. He could have contended the approval application. In his affidavit the workman stated that his leave application was not considered by the enquiry officer. The workman did not bring to the notice of the enquiry officer any such application. There is nothing on record to show that his leave application was allowed. It is case of the workman that he was fit on 7-10-1994 when he joined duties. Therefore it cannot be said that on 17-10-1994 he made a statement under illness. The workman cannot be permitted to make a new case when he says that he admitted the charges under inducement or promise that he shall be dealt with leniently. The workman did take this plea in his written statement or even in rejoinder.

9. The parties have argued the case on the quantum of punishment. It has been argued that the workman was sick. It has been argued that the medical certificates have established that workman was mentally sick. The workman could have proved these facts before the enquiry officer. He was fit on 7-10-1994. Therefore on 17-10-1994 he could have proved the fact of his illness. There is merit in this argument. The workman admitted the contents of charge sheet. He did not defend himself. Looking to the fact that remained absent 177 days in the opinion of this Tribunal the punishment awarded to them cannot be interfered with.

10. Thus this reference is answered by stating that the dismissal of the workman by Air India Ltd. from 7-2-1995 is legal and justified. The workman is not entitled any relief.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 3 फरवरी, 2004

का.आ. 488.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II—धनबाद के पंचाट (संदर्भ संख्या 124/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2004 को प्राप्त हुआ था।

[सं. एल-20012/14/98-आई. आर. (सी. I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd February, 2004

S.O. 488.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 124/99) of the Central Government Industrial Tribunal/Labour Court II-Dhanbad now as shown in the Annexure in the industrial dispute between the employer's in relation to the Management of BCCL and their workmen, which was received by the Central Government on 29-01-2004.

[No. L-20012/14/98-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

PRESENT:

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 124 OF 1999

PARTIES:— Employers in relation to the management of M/s. B. C. C. L. and their workman:

APPEARANCES:—

On behalf of the workman : Mr. S. C. Gaur, Advocate.

On behalf of the employers : Mr. D. K. Verma, Advocate.

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 1st January, 2004

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/14/98-IR(C-I), dated, the 29th January, 1999.

SCHEDULE

"Whether the demand of the Union that Sri Umesh Kumar, Cat. VI workman be regularised in Telecom Cadre of Moonidih Project Area/Washery of BCCL is justified? If so, to what relief is the workman entitled?"

2. In course of hearing of the instant reference case Mr. S. C. Gaur, learned Advocate for the workman submitted that the concerned workman involved in this dispute is not interested to proceed with the hearing of this case and accordingly he prayed to pass a 'No dispute' Award in this case. Learned Advocate for the management raised no objection in view of the submission made by the learned Advocate for the workman. Heard both sides. Since the concerned workman is not interested to proceed with the hearing the instant reference, there is no reason to drag on the same. Under such circumstances, a 'No dispute' Award is rendered and the instant reference is disposed of on the basis of 'No dispute' Award presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 फरवरी, 2004

का० आ० 489.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 37/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2004 को प्राप्त हुआ था।

[सं० एल-20012/657/94-आई०आर० (सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 3rd February, 2004

S. O. 489.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 37/95) of the Central Government Industrial Tribunal-II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 29-1-2004.

[No. L-20012/657/94-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 37 of 1995

PARTIES: Employers in relation to the
management of Mohuda Area of
M/s B. C. C. L. and their workman.

APPEARANCES:

On behalf of the Workmen : Shri B. N. Singh,
authorised representative

On behalf of the Employers : Shri H. Nath,
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 6th January, 2004

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/657/94-I.R. (Coal-I), dated the 10th March, 1995.

SCHEDULE

"Whether the demand of the Union for the regularisation of Shri Lal Prasad Gorai, Loader as

Clerk Gr. III from 1982 and Clerk Gr. II from 1-1-88 with payment of difference of wages is justified? If so, to what relief is the concerned workman entitled?"

2. The case of the concerned workman according to written statement submitted by the sponsoring Union on his behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workman though designated as a loader in the record of the management has been working virtually as underground Munshi prior to 1982 regularly and continuously. They submitted that management by notice No. 20/21 Pits/84/2133 dt. 20-1-84 called for Matriculation certificate in original from the workman whose services had been deployed as lamp issue clerks. Despatch clerks, Telephone Clerks and Munshis for the purpose of consideration of their regularisation/promotion. They submitted that vide letter No. 20/21 pits Colliery/MMD/88/1672 dt. 12/14-5-88 the concerned workman amongst others had been shown employed as underground Munshi. Again vide letter No. 20/21 Pits/PD/89/425 dt. 14-2-89 the concerned workman was regularised as underground Munshi in clerical Gr. III. It has been submitted further that the concerned workman by virtue of his being Matriculate and possessing Matriculation certificate and performing duties as underground Munshi since 1982 is entitled to be regularised as Clerk Gr. III from 1982 and in Clerk Gr. II from 1-1-88 with payment of difference of wages. They submitted that in spite of making repeated request for his regularisation in the clerk Grade from the date of his joining management did not give any importance to the same and for which an industrial dispute was raised before ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication. The sponsoring Union on behalf of the concerned workman accordingly, submitted prayer to pass Award directing the management to regularise the concerned workman in clerk Gr. III from 1982 and clerk Gr. II from 1-1-88 with payment of difference of wages.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring Union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that the concerned workman was Matriculate and expressed his willingness to give chance to work on clerical jobs so that at the time of selection on clerical test his working experience on clerical jobs could be considered. They submitted that in view of such prayer they gave him chance to work on clerical jobs against temporary vacancies. They disclosed that the claim of the concerned workman for his regularisation as clerk Gr. III from 1982 i.e. from the initial date when he was given for the first time clerical jobs for the purpose of learning the same is without any justification and without any merit.

They further disclosed that one person cannot be singled out and put directly as clerk grade III without holding selection test as per cadre scheme of J.B.CCI. All eligible candidates having minimum qualifications of Matriculation and having worked for three years as permanent workers have to be considered for selection to the post of clerk Gr. III whenever permanent vacancy arises. The temporary engagement on the post of Clerk Gr. III is only done to meet temporary requirements and such persons are given scope for learning and gaining experience and they cannot be permanently absorbed from such date. Therefore, the demand of the sponsoring Union for permanent absorption of the concerned person who was a piece rated worker as clerk Gr. III from 1982 cannot be accepted. It has been further disclosed by them that a person in clerk Gr. III can only be promoted to clerk Gr. II according to the cadre scheme only on the basis of recommendations of D.P.C. duly constituted by the competent authority. Accordingly, demand of the sponsoring Union for giving grade II to the concerned workman w.e.f. 1-1-88 has no basis at all. Accordingly, management submitted prayer to pass award rejecting the claim of the concerned workman.

4. points to be decided

"Whether the demand of the union for the regularisation of Shri Lal Prasad Gorai, Loader as Clerk Gr. III from 1982 and Clerk Gr. II from 1-1-88 with payment of difference of wages is justified? If so, to what relief is the concerned workman entitled?"

It transpires from the record that the concerned workman in order to substantiate his claim examined himself as witness in this case. Management though did not adduce any oral evidence relied on documentary evidences marked as Exts. M-1 to M-7.

5. Considering the evidence of the workman, facts disclosed in the pleading of both sides and also documentary evidence I find no dispute to hold that the concerned workman got his appointment as loader under the management. It is the contention of the concerned workman that though he was appointed as loader under direction of the management he virtually started working as underground Munshi since before 1982 and in support of that claim he relied on the letter No. 704 dt 29-1-82 (Ext. W-1) issued by the management. From this letter it transpires that the concerned workman was warned by the management with direction not to repeat such misconduct in future. In the said letter designation of the concerned workman was recorded as loader working as Munshi. By letter No. 20/21 Pits/83/1292 dt. 4/5-10-83 further caution was given to the concerned workman along with two other workmen for dereliction of their duties in the ground. (Ext. W-2) wherein they were designated as Munshi. The concerned workman relied on the notice bearing No. 20/21 Pits/84/2133 dt. 20-1-84 issued by the management (Ext. W-6) to different workmen including

the concerned workman to submit their Matriculation certificates latest by 23-1-84 positively. The said notice was issued for consideration of their cases of regularisation. It is seen that by Ref. No. 20/21 Pits Colliery MIS/88/672 dt. 12/14-5-88 Dy. C.M.E. forwarded the Matriculation certificate of the concerned workman along with other workmen to the Personnel Manager, Mohuda Area for consideration. From that letter it transpires that the concerned workman being loader was allowed to work as underground Munshi. It transpires from another letter bearing Ref. No. 20/21 Pits/PD/88/3374 dt. 12/13-10-88 written by Agent addressed to Personnel Manager that the case in the matter of regularisation of the concerned workman will be taken up after verification of his matriculation certificate from the Board. It has been further intimated that the case of the concerned workman had already been referred to the Board Office. From the letter marked as Ext. W-3 under Ref. No. 20/21 Pits/PD/89/425 dt. 14-2-89 issued by the Agent shows that the concerned workman who was a piece rated worker under Mohuda Area had been regularised in clerical grade with immediate effect. It is seen that thereafter by office Ref. no. 20/21 Pits/PD/00/98/5045 dt. 3/10-11-98 sixty one workmen including the concerned workman were given promotion in Grade. II under service link upgradation scheme with effect from 1-1-98 (Ext. M-8).

6. It is the specific contention of the concerned workman that as he was entrusted with the job of performing underground Munshi since January, 1981 by written order of the Management continuously and uninterruptedly his service is required to be regularised in Clerk Gr. III with effect from 1982 and clerk Gr. II with effect from 1-1-88. During hearing the concerned workman has failed to produce that written order of the management by which he was directed to work as underground Munshi since January, 1982. On the contrary from the relevant documents which I have discussed above it transpires that the concerned workman though was piece rated loader was allowed to work as underground Munshi.

7. It is the contention of the management that as the concerned workman was a Matriculate and expressed his willingness to give him a chance to work on clerical job so that at the time of selection for the clerical test his working experience on clerical job could be considered, opportunity was given to him to work on clerical jobs against temporary vacancies along with other piece rated workers. They submitted further that in case of filling up the post of clerk Gr. III all persons working as piece rated workers or time rated workers possessing the minimum Matriculation qualification are given opportunity to appear before the selection committee and on the basis of individual merits, past record of experience, the candidates are selected and they are regularised in the post of clerk Gr. III. They further submitted that as the concerned workman claimed himself matriculate and submitted his prayer to learn clerical job he was given chance to work as

clerk against temporary vacancies and subsequently he was selected for his absorption in clerk Gr. III with effect from 14-7-89. They further submitted that a workman cannot be singled out and put directly as clerk Gr. III without holding selection test as per cadre scheme of JBCCL. They disclosed that all eligible candidates having minimum qualification of Matriculation and having worked for three years as permanent workers have to be considered for selection to the post of clerk Gr. III when permanent vacancies arise. It has been further submitted by the management that a person in Clerk Gr. III can only be promoted to clerk Grade II according to cadre scheme for promotion of clerical personnel from grade III upto Gr. II there is no scope to consider to the claim of the concerned workman deviating the specific instruction as laid down in N.C.W.A.

8. N.C.W.A. is the outcome of bipartite agreement entered into between the Unions and the management based on the decision of J.B.C.C.I. and both sides are to abide by the contents of the agreement in the matter of selection, promotion and other benefits which the workmen are eligible to get. As per N.C.W.A. there is no dispute to hold that posting under clerical grade comes under cadre scheme. As per N.C.W.A. a piece rated loader is debarred from getting his regularisation in clerical grade which is under cadre scheme directly without following the process of selection. The process of selection also has been mentioned in N.C.W.A. Moreover, as per N.C.W.A. a piece rated/time rated miner loader or workman under category I is only eligible to get his selection in clerical grade subject to fulfilment of requisite academic qualification having at least three years of permanent service and fulfilment of other criteria subject to availability of vacancy. From the evidence of the concerned workman it transpires that he got his service as piece rated loader in the month of November, 1980. No document is forthcoming before this Tribunal if the concerned workman got his appointment in the permanent post of piece rated loader. However, if the eligibility criteria as per N.C.W.A. is taken into consideration for selection in clerical Grade III there is no scope to say that in the year 1992 he completed his permanent service as piece rated loader particularly when he joined his service in the month of Nov., 1980. There is no dispute to hold that the concerned workman was Matriculate. Therefore, as regards academic qualification in question the concerned workman fulfilled one of the criteria to get his eligibility for his selection in clerical grade III. It is the claim of the concerned workman that in the month of January, 1981 management by written order directed him to work as underground Munshi. During hearing the concerned workman has failed to produce the said written order in support of his claim. Therefore, credibility of such claim has come to a question if the management violating the strict instruction of N.C.W.A. could pass the said order. However, considering materials on record there is no dispute to hold that the concerned workman being

loader was allowed to work as underground Munshi. It is the claim of the management that on prayer of the concerned workman he was allowed to work as Munshi to get his knowledge and experience on clerical work being a Matriculate as he intended to appear before the selection committee to establish his eligibility for getting his regularisation in Clerk Grade III. No doubt the concerned workman has denied this claim. It is seen that although before his selection in Clerk Gr. III his designation was loader though he was allowed to work as Munshi. The post of Munshi comes under clerical grade which is treated as a cadre scheme while the post of loader is in Cat. I and the said two posts cannot be equated together. There is also no scope for any workman to be designated in two posts simultaneously having different status to each other. It should be considered as absolutely illegal if the management violating the provision of N.C.W.A. given promotion to any workman of Cat. I to cadre post of clerical Grade III by passing his selection and depriving others workmen who are equally eligible to face selection committee for getting their promotion in clerk grade III, from Cat. I. Therefore, considering the facts and circumstances there is sufficient reason to uphold the submission of the management that as the concerned workman was Matriculate he was allowed to work as underground Munshi on temporary vacancy to learn clerical job for his future prospect. Learned Advocate for the concerned workman in course of hearing referred to a decision reported in 196(3) FLR 83. In the said decision Their Lordships of the Hon'ble Apex Court observed the following :—

“Where the standing orders applicable to the company defines ‘permanent workman’ as one engaged in a permanent nature of work throughout the year who has completed his probationary period and ‘temporary workman’ as one engaged in the work of temporary and casual nature to fill in a temporary need of extra hands on permanent or temporary jobs.

Held, that the definition of permanent workmen did not require that such workmen should be employed throughout the year. The work on which he is engaged should be of a permanent nature and should last throughout the year. The proper construction of the definition of ‘permanent workman’ is that he must be a workman engaged on a work of permanent nature which lasts throughout the year and who has completed his probationary period if any, not being one engaged to fill in a temporary need of extra hands on permanent jobs.”

It is clear that the concerned workman was not engaged on probation by the management to perform the job of underground Munshi. Management have categorically explained under which circumstances the concerned workman was allowed to work as Munshi. It is seen that

the concerned workman although received his wages as loader and not as Munshi and clerical grade. No evidence is forthcoming that he placed his demand for wages under clerical grade instated of wages for piece rated worker. On the contrary it is seen that in due course of time opportunity was given to the concerned workman along with other workmen to submit requisite paper for considering his promotion in clerk grade III. It is further seen that management being satisfied with all credentials selected him to the post of clerk grade III along with other workmen. Management, I find gave equal opportunity to different workmen including the concerned workman for consideration of their promotion in clerical grade abiding by the provision of N.C.W.A. As such based on the decision referred to above there is no scope to say that the concerned workman accrued his eligibility to get his promotion in clerk grade III from 1982 violating the provision of N.C.W.A.

Therefore, in view of the facts and circumstances discussed above, I find no scope to say that management have committed any illegality or took any arbitrary decision in refusing the claim of the concerned workman for getting his promotion in clerk Gr. III from 1982 and clerk Gr. II from 1-1-88.

In the result, the following Award is rendered :—

“The demand of the union for the regularisation of Shri Lal Prasad Gorai, Loader as Clerk Gr. III from 1982 and Clerk Gr. II from 1-1-88 with payment of difference of wages is not justified. Consequently, the concerned workman is not entitled to get any relief.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 फरवरी, 2004

का. आ. 490.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 23/99 को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-04 को प्राप्त हुआ था।

[सं. एल. 20012/444/97-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd February, 2004

S.O. 490.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/99) of the Central Government Industrial Tribunal-cum-Labour Court, II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman which was received by the Central Government on 29-1-04.

[No. L-20012/444/97-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of I.D. Act, 1947

Reference No. 23 of 1999

PARTIES: Employers in relation to the
Management of M/s. B.C.C.L. and
their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 5th January, 2004.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/444/97-I.R. (C-I), dated the 8th January, 1999.

“Whether the action of the management of M/s. BCCL is dismissing Sh. Shankar Rajwar from services is justified? If not, to what relief the concerned workman is entitled to?”

2. In this reference neither of the parties turned up before this Tribunal. It is seen from the record that the instant reference was received by this Tribunal on 21-1-99 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman as well as the management but in spite of the issuance of notices they failed to turn up. In terms of Rule IOB of the I. D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notice issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union and the management to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass ‘No dispute’ Award when both the parties remain absent.

There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo moto* with the expectations for appearance for the workman and the management inspite of issuance of registered notices. As per I.D. Act the workman excepting under provision of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices do not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference and merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 फरवरी, 2004

का. आ. 491.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन एयर लाइंस लि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकाता के पंचाट (संदर्भ संख्या 19/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-04 को प्राप्त हुआ था।

[सं. एल. 20030/8/94-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd February, 2004

S.O. 491.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/1995) of the Central Government Industrial Tribunal/Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines and their workmen which was received by the Central Government on 29-1-04.

[No. L-20030/8/94-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 19 of 1995

PARTIES: Employers in relation to the management of Indian Airlines Ltd.

AND

Their workmen

PRESENT:

Mr. Justice Hrishikesh Banerji

..... Presiding officer

APPEARANCES:

On behalf of Management : Mr. R. N. Majumder, Advocate

On behalf of Workmen : Mr. P. C. Sen, Advocate with Mr. S. Mukherjee, Advocate and Mr. K. K. Maiti, Advocate.

State : West Bengal

Industry : Airlines

Dated : 21st January, 2004

AWARD

By Order No. L-20030/8/94. IR (Coal-I) dated 14/15-11-1995 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the demand of Shri Dibakar Mondal and 85 others (as per list enclosed) that they are eligible for regularisation by the management of Indian Airlines Ltd. Eastern Region, Calcutta on various posts like Cook, Canteen Assistant, Gardner, Safaiwala, Peon, Helper etc., held respectively by them as casual is justified? If so, to what relief these workmen are entitled and from which date?"

ANNEXURE

1. Debu Paswan,
1 No. Gurdwara Road,
P. S. Dum Dum, Col. 79
2. M. T. Rao,
26, Dr. J. R. Dhan Road,
Colkata-28
3. Samir Dey,
Kutur Sahi Road,
P. S. Barasat, 24-Pgs.
4. Subhas Ghosh,
Mabarack, P. S. Rajarbat,
24-Pgs.

5. Prabir Bose,
Kali Park, P. S. Rajarhat
24-Pgs.
6. Kalachad Dey,
17, Italgacha Road,
Colkata-79
7. Suresh Hela,
53, Laljee Shaw St.,
P. S. Dum Dum, Col-28
8. Shankarlal Das,
29, Dr. J. R. Dhar Road,
P. S. Dum DU, Col-28
9. S. Tarak,
540/6, Airport,
New Qtrs. Col-52
10. B. Mohan,
539/9, Airport,
New Qtrs. Col-52
11. Shankar Paul,
17, Canel East Road,
Ultradanga, Col-65
12. Biplab Das,
48, R. N. Guha Road,
Dum Dum, Col-28
13. Samir Rudra,
22 No. Airport Gate,
Motilal Colony, Col-81
14. Soumen Bhowmick,
2½ No. Airport Gate,
Motilal Colony, Col-81
15. M. Routh,
Khaikhali,
P. S. Rajarhat, 24-Pgs.
16. Mangal Paramanick,
Airport, Chararock Tala,
P. S. Bajarhat, 24-Pgs.
17. Md. Kurban,
Manickpur, Thakurpara,
P. S. Dum Dum, Col-79
18. Goutam Sarkar (2)
2½ Airport Gate,
Motilal Colony, Dum Dum,
Colkata-81
19. Ajit Das,
Shrat Colony, P. S. Airport,
Colkata-81
20. Manash Mukherjee,
Tulshi Bagan, Birati, Col-51
21. Malay Pandey,
B-13 Motijhel
Govt. Qtr. Dum Dum, Col.74
22. Goutam Chakraborty,
20/1, Iswar Ganguly St.
Bhabanipur, Col-86
23. Ramjanali Mondal,
Manickpur, Thakurpara,
P. S. Dum Dum, Col-79
24. Sushil Mondal,
Manickpur, Thakurpara,
P. S. Dum Dum, Col-79
25. Mahadeb Sarder,
Bishnupur P. S. Rajarhat
24-Pgs
26. N. K. Singh, 22, Feeder Road, Belgharia,
Colkata-56
27. Samar Giri,
Motilal Colony, Airport Gate,
Colkata-52
28. J. M. Sen,
P. O. & Vil. East Udayrajpur,
P. S. Barasat, 24-Pgs.
29. Bijoy Das,
Ganganagar, P. S. Barasat,
24-Pgs.
30. Uttam Saha,
Narendra Pally, P. S. Barasat,
24-Pgs.
31. Ashoke Mishro,
Airport, Old Qutrs. Col-52
32. Shyamal Bhowmick,
2½ Airport Gate, Motilal
Colony, Col-81
33. M. N. Paul,
Madhyam Gram, P.S:
Barasat, 24-Pgs.
35. Rajkumar Das,
East Karalpur,
P. S. Dum Dum, Col-28.
36. Nilu Ahmed,
10/1, Sarat Bose Road,
P. S. Airport, Col-81
37. Tapan Dey,
2 No. Airport Gate,
Motilal Colony, Col-81
38. S. P. Sanyal,
20/1, Sarat Bose Road,
Colkata-81
39. Swapan Kar,
2 No. Vivekananda Colony,
24-Pgs.

40. N. E. Show,
6, Ramlal Dey St.,
Dum Dum, Col-28
41. Gurudas Modak,
Sodepur, Ghata,
24-Pgs.
42. Jaydev Saha,
Ghoshpara, Jayanara,
Baguhati, 24-Pgs.
43. Pintu Bhowmick,
Ushampur, Agarprara,
24-Pgs.
44. J. N. Roy,
B. K. 2/3, East Jyangra,
P. S. Rajarhat, 24-Pgs.
45. Anupam Mondal,
Kolurpukur,
Chawdheny Para,
Barasat, 24-Pgs.
46. Sudhir Das,
Champadali More,
P. S. Barsat, 24-Pgs.
47. Chandan Bose,
CB 6/2 Rail Pukur Road,
Baguiat, Col-59
48. Ashoke Kr. Sen,
Champadali More,
P. S. Baraa, 24-Pgs.
49. Ajit Biswas,
Private Road,
P. S. Dum Dum, Col-79
50. Shankar Ganguly,
Motilal Colony,
Airport Gate, Col-52
51. Damodar Ojha,
10 No. Ram Lal Dey Street,
P. S. Dum Dum Col-28
52. Ashis Dey Sarkar,
30 No. Khudiram Bose Rd.,
P. S. Dum Dum, Col-79
53. Babla Paul,
East Kamalapur,
P. S. Dum Dum, Col-28
54. Amar Mondal,
Harijan Basti Road,
Airport Gate, Col-52
55. Basudev Kundu,
Milanpally Airport Gate,
Col-52
56. Smritimay Bhowmick,
Green Park, Micheal Nagar,
P. S. Airport, 24-Pgs.
57. Debu Sil,
Math Kal, Rabindranagar,
P. S. Dum Dum, Col-65
58. Utpal Paul,
Vill. & P.O. Kilanghar,
P. S. Habra, 24-Pgs.
59. Ajay Paul,
38, Anan Pally,
P. S. Dum Dum, Col-74
60. T. K. Raha,
57, Dungabari Road,
P. S. Dum Dum, Col-28
61. Pradip Naskar,
Vill. Akanda Kishari,
P. S. Rajarhat, 24-Pgs.
62. Bimal Das,
11, Laxmi Narayan,
P. S. Dum Dum, Col-65
63. Tarun Kr. Paul,
East Kamalapur,
P. S. Dum Dum, Col-28
64. Swapan Ganguly,
60, Prafulla Nagar,
P. S. Dum Dum, Col-74
65. Dilip Asherjee,
East Kamalapur,
P. S. Dum Dum, Col-28.
66. Pinto Dutta,
95, Nilachal,
P. O. Birati, Col-51.
67. Arindam Das,
Khaikhali Mondal,
Ghati, P. S. Rajarhat, 24-Pgs.
68. Susanta Dutta,
42, P.K. Guha Road,
Col-28.
69. Bapi Kar,
2½, Airport Gate,
Motilal Colony, Col-81.
70. Tapash Sinha,
Nabagiban, Bisharpara,
P. S. Airport, 24-Pgs.
71. Dilip Mondal,
Mejhenhati,
P. S. Nimta, Col-49.

72. Md. Asgar Ali,
Vill. & PO, Hatiara,
P. S. Rajarhat, 24-Pgs.
73. Ashim Das,
Narayanpur,
P. S. Rajarhat, 24-Pgs.
74. Pradip Chowdhury,
East Kamalapur,
P. S. Dum Dum, Col-28.
75. Rakesh Hela,
53 Laljee Show
P. S. Dum Dum, Col-28.
76. Bishnu Bhattacharjee,
Saman Pally, Krishnapur,
P. S. Rajarhat, 24-Pgs.
77. Gurprit Singh,
10/1 R.N. Dutta Road,
P. S. Bhavanipur, Col-26.
78. Ujjal Bagchi,
Naihati, Mitrapara,
24-Pgs.
79. Sanjay Ghatak,
Motilal Colony,
Airport Gate, Col-52.
80. N.B.V. Prasad,
Madhyagram, Nandan Kanan,
P. S. Barasat, 24-Pgs.
81. Ashis Bose,
38, R.N. Guha Road,
Col-28.
82. Dibakar Mondal,
Mandalpara, Tegharia,
P. S. Rajarbat, 24-Pgs.
83. Sutanu Ghosh,
Green Park, Micheal Nagar,
P. S. Airport, 24-Pgs.
84. Amitava Ganguly,
Taki Road,
P. S. Barasat, 24-Pgs.
85. Sukanta Chatterjee,
Ram Prasad Nagar,
P. O. & PO Nimta,
Calcutta-49.
86. Anup Kr. Sen,
2½ No. Airport Gate,
Motilal Colony,
Calcutta-81.

2. When the case is called out today, Mr. Majumdar, Advocate for the management refers to the order dated

2-1-2003 passed by the Hon'ble High Court of Calcutta in W.P. No. 2721 of 1994 and states that the present reference is also covered by the said order of the Hon'ble High Court. He, therefore, prays for disposal of the present reference by passing a 'No. Dispute' Award.

3. Though the Advocate for the workmen does not appear, two of the concerned workmen, namely, Shri Sukanta Chatterjee and Shri Nilu Ahmed who are present in the Court state that they know the order passed by the Hon'ble High Court in the matter and also agree to the submission of the learned Advocate for the management regarding disposal of the present reference by a 'No Dispute' Award.

4. In the above state of affairs and in view of the judgement of the Hon'ble Supreme Court in Pondicherry Khadi & Village Industries Board V. P. Kulothangan & Anr. reported in 2003 AIR SCW 5723 read with the order dated 02-01-2003 of the Hon'ble High Court of Calcutta in W.P. No. 2721 of 1994, the dispute in the present reference appears to have been finally resolved and this Tribunal has no other alternative but to dispose of the reference by passing a 'No Dispute' Award.

5. A 'No Dispute' Award is accordingly passed and the reference is disposed of.

HRISHIKESH BANERJI, Presiding Officer

Dated : Kolkata.

Dated the 21st January, 2004

नई दिल्ली, 3 फरवरी, 2004

का. आ. 492.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, धनबाद के पंचाट (संदर्भ संख्या 193/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2004 को प्राप्त हुआ था।

[सं. एल-20012/413/98-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd February, 2004

S. O. 492.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 193/99) of the Central Government Industrial Tribunal/Labour Court -II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 29-1-2004.

[No. L-20012/413/98-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 DHANBAD**

In the matter of a reference under Sec. 10(1)(d)(2A) of
the Industrial Disputes Act, 1947.

Reference No. 193 of 1999

Parties : Employers in relation to the
management of Joyrampur
Colliery of M/s. B.C.C.L.

AND

Their workmen.

Present

Shri B. Biswas,
Presiding Officer.

Appearances :

For the Employers : Shri D.K. Verma, Advocate.

For the Workman : Shri S.C. Gaur, Advocate.

State : Jharkhand Industry : Coal.

Dated, the 2nd January, 2004.

AWARD

By Order No. L-20012/413/98-C-I dated 21-4-1999 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Joyrampur Colliery of M/s. BCCL in superannuating Sh. Shashi Rewani, Fitter w.e.f. 16-8-97 is justified? If not, to what relief the workman is entitled?”

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :—

The sponsoring union submitted that the concerned workman was originally appointed on 8-7-1971 by the erstwhile management of Khas Joyrampur Colliery Co. (P) Ltd. and his date of birth was recorded as 31-7-1940. In all the statutory records of the Colliery including Form ‘B’ Register. The said Khas Joyrampur Colliery was taken over by the Central Government on 17-10-1971 and subsequently nationalised on and from 1-5-1972 and after re-organisation of mines the said Khas Joyrampur Colliery was renamed as Joyrampur Colliery under M/s. BCCL. The sponsoring union submitted that the management issued Identity Card to the concerned workman in the year 1974 vide serial No. 15890 and therein his date of birth was recorded as 31-7-1940 duly signed by the authorised representative of the management i.e. Sr. Personnel Officer affixing official seal. They submitted that in the year 1987 the management issued service excerpt to him, therein his

date of birth was recorded as 31-7-1940. The concerned workman did not raise any dispute in the matter of date of birth recorded therein as it was recorded correctly. Accordingly, he was although in that impression that his due date of superannuation on attaining the age of 60 years will be 31-7-2000. They alleged that the management arbitrarily and illegally on 26-8-97 issued a notice of superannuation to the concerned workman with the intimation that the concerned workman will be superannuating from his service w.e.f. 28-7-1997 on the basis of E.D.P. report and attendance of the concerned workman and accordingly the management stopped the concerned workman from service w.e.f. 28-7-97 i.e. well before the actual date of his superannuation. They alleged that the management illegally, arbitrarily and violating the principle of natural justice superannuated the concerned workman from his service. Accordingly, they submitted representation to the management for his reinstatement but as the management refused to do, so the concerned workman raised an industrial dispute through the sponsoring union before the A.L.C. (C) for conciliation which ultimately resulted reference to this Tribunal for adjudication.

3. The management, on the contrary, after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman. They submitted that at the time of getting appointment of the concerned workman no 8-7-1971 his date of birth was recorded in the Form ‘B’ Register as 38 years. As Form ‘B’ Register is a statutory record all entries therein bear legal value it should be accepted by both the parties until and unless any serious contradiction is exposed. They submitted that as per date of birth recorded in Form ‘B’ Register the concerned workman attained the age of 60 years on 16-8-97 and as such the management superannuated him w.e.f. 16-8-97. They further disclosed that all the columns in Form ‘B’ Register were filled up in presence of the concerned workman and the workman concerned put his L.T.I. on the same. They disclosed that as in column-4 of the Form ‘B’ Register date of birth of the concerned workman was recorded as 38 years as on 8-7-1971 his date of birth was calculated as 8-7-1933 and rightly he was superannuated from his service on and from 16-8-97 and for which they did not commit any illegality or took any arbitrary decision in superannuating the concerned workman from his service w.e.f. the date referred to above. In the result the management submitted prayer to pass order rejecting the claim of the concerned workman.

POINTS TO BE DECIDED :

4. “Whether the action of the management of Joyrampur Colliery of M/s. BCCL in superannuating Sh. Shashi Rewani, Fitter with effect from 16-8-97 is justified? If not, to what relief the workman is entitled?”

FINDING WITH REASONS:

5. It transpires from the record that the concerned workman in order to substantiate his claim examined himself as witness as WW-1. On the contrary, the management also in order to substantiate claim on their part examined one witness as MW-1.

6. Considering the facts disclosed in the pleadings and also considering evidence of both sides I find no dispute to hold that the concerned workman got employment in the year 1971 by the erstwhile management of Khas Joyrampur Colliery. It has been disclosed by the concerned workman in course of his evidence that after getting his appointment the management issued Identity Card wherein his date of birth was recorded as 31-7-1940. Subsequently they issued another Identity Card where the date of birth also was recorded as 31-7-1940. The said two Identity Cards during evidence of the concerned workman were marked Ext. W-1 and W-2. It is admitted fact that in the year 1987 the management issued service excerpt to the concerned workman alongwith other workman. The service excerpt during evidence of WW-1 was marked Ext. W-3. It is the specific allegation of the concerned workman that vide superannuation notice (Ext. W-4) the management superannuated him from his service w.e.f. 16-8-97. On the contrary, MW-1 in course of his evidence disclosed that the name and other particulars of the concerned workman, including his age, were recorded in serial no. 111 of Form 'B' Register. He disclosed that according to the particulars recorded therein the date of birth of the concerned workman was recorded as 38 years as on 8-7-1971. He further submitted that according to age recorded in Form 'B' Register his date of birth was calculated as 8-7-1933. He further submitted that in the Identity Card Register the particulars of the concerned workman were recorded in serial no. 110 wherein also his date of birth was recorded as 38 years. The Form 'B' Register during evidence of MW-1 was marked Ext. M-1 while attested zerox copy of Identity Card Register was marked Ext. M-2. He further submitted that during entire service period the concerned workman never raised any dispute over wrong recording his date of birth in the Form 'B' Register. He submitted that after superannuation the concerned workman with a view to enjoy more service has raised the instant industrial dispute intentionally for which he is not entitled to get any relief.

7. Now, considering the evidence of WW-1 and MW-1, I find that relying on the documents issued by the management they have placed their claim and counter claim. The concerned workman while relying on the Identity Card issued by the management submitted that his date of birth was 31-7-1940. The management relying on Form 'B' Register as well as attested copy of Identity Card Register submitted that the age of the concerned workman was recorded as 38 years at the time of entry of his service

and after calculation his date of birth was recorded as 8-7-1933. There is no dispute to hold that the concerned workman entered into service on 8-7-1971 by the erstwhile management of Khas Joyrampur Colliery Co. Pvt. Ltd. which subsequently was re-named as Joyrampur Colliery of M/s. BCCL after its nationalisation. It transpires that the management issued two Identity Cards and in both the Identity Cards the date of birth of the concerned workman appeared as 31-7-1940. In the service excerpt marked Ext. W-3 the date of birth of the concerned workman appearing as 8-7-1933. The name of the concerned workman in the Form 'B' Register is appearing in serial no. 111 while in the attested copy of Identity Card is appearing in serial no. 110. From the Form 'B' Register as well as Identity Card Register it transpires that the age of the concerned workman was recorded as 38 years. It is the contention of the management that as Form 'B' Register is considered as a statutory register as per Mines act all entries recorded therein are binding upon the parties if no serious discrepancy is exposed. Therefore, when the age of the concerned workman in Form 'B' Register was recorded as 38 years it should be binding upon him. The learned Advocate for the management further submitted that service excerpt was received by the concerned workman in the year 1987 wherein his date of birth was recorded as 8-7-33. They submitted that inspite of receiving the said service excerpt the concerned workman did not raise any dispute in relation to his age, on the contrary, he accepted the same. It is the contention of the management that as the date of birth of the concerned workman was recorded as 8-7-1933 his date of superannuation comes in 8-7-97 on attaining the age of 60 years and accordingly a superannuation notice was issued on 16-8-97. Superannuation notice, marked Ext. W-4, it transpires to the effect—"the E.D.P. Section, Koyla Bhawan has observed and is of the opinion that your age is 38 years in age column & date of joining should be 8-7-1933 which is also in service excerpts and it is pen through and made as 31-7-40 (also in new Form 'B'). Accordingly, E.D.P. Section has ordered to stop you from duty. As you have attained the age of superannuation as per provisions laid down in the National Coal Wage Board Agreement, you are stopped from your duty with effect from 28-8-97."

Now considering the relevant paper if the claim of the management is taken into consideration the concerned workman had attained the age of 60 years on 8-7-1993 and not on 8-7-97. I have failed to understand how the management submitted that the concerned workman attained his age of superannuation on 8-7-1997 on attaining his age of 60 years. If this fact is taken into consideration in that case there is reason to say that the management allowed five years more service to the concerned workman out of their own suit will. However, it is not the point to be considered. The point for consideration is actually what was the date of birth recorded in Form 'B' Register. It is

seen as per superannuation notice that the date of birth recorded in the Identity Card issued to the concerned workman had been interpolated and re-written as 31-7-40. I have carefully considered both the Identity Cards and I have failed to find out sign of interpolation against the date of birth recorded therein. It is not the case of the management that they did not issue the said two Identity Cards under the signature and official seal of their officers. Therefore, it is clear that these two Identity Cards were actually issued by the management. Therefore, onus rests on the management to establish that the dates of birth recorded therein were interpolated as 31-7-40.

8. It is the case of the management that in Form 'B' Register and also in Identity Card Register the date of birth of the concerned workman was recorded as 38 years as on 8-7-71 and relying on that entry it is their contention that the date of birth of the concerned workman should be calculated as 8-7-1933. I have carefully considered all the columns of Form 'B' Register of serial no. 111 duly filled in. Column-4 has been ear-marked for recording age and sex of the workman. If all the columns are seen meticulously it will expose clearly that column-4 was filled up with different ink at different stages because the entries in columns 1, 2, 3, 5, 6 and 7 were recorded long back and it has been faded out, but the entry in column-4 not only is distinct but also it was written in different ink at later stage. It transpires that serial no. 111 to 120 are recorded in same page of Form 'B' Register. It transpires further that in four cases the age of the workmen had been recorded but in respect of rest workmen no age was recorded in the said column i.e. column-4. No satisfactory explanation on the part of the management is forthcoming to that effect. As the age of the concerned workman in column-4 of serial no. 111 was written in different ink there is sufficient reason to believe that at later date management inserted that age in the said column with a view to show that at the time of entry in the service the age of the concerned workman was recorded as 38 years. The claim of the concerned workman that at the time of entry in service the date of birth was recorded as 31-7-40 in the Form 'B' Register finds no value in absence of its strict proof. However, there is reason to believe that he has stated so relying on the date of birth recorded in the Identity Card issued to the concerned workman. Second Identity Card issued to the concerned workman was a computerised Identity Card so there is no chance of its interpolation. It is seen that though the date of birth of the concerned workman in the computerised Identity Card was recorded as 31-7-40 an attempt was made to erase out the said date of birth. There is no reason to believe that it was so done by the concerned workman because although the concerned workman submitted that his date of birth was 31-7-40 and not 8-7-33. Therefore, there is reason to believe further that the management tried to erase out the date of birth but could not succeed properly. It is true that in column-4

of serial no. 111 of Form 'B' Register the age of the concerned workman was recorded as 38 years, but in view of my observation made above, I find it difficult to accept the said date of birth. Therefore, onus absolutely was with the management to establish how the date of birth of the concerned workman was recorded as 31-7-40 in the Identity Card which was issued to him under the signature and seal of their official.

9. In view of the facts and circumstances discussed above, I find that the management did not fair play the game in the matter of superannuating the concerned workman from his service. JBCCI circular is clear that if any serious discrepancy comes in different records of the management in that case for proper assessment of age the concerned workman should be placed before the Apex Medical Board. There was enough scope on the part of the management to send the concerned workman to the Apex Medical Board for verification of his age in order to wipe out the discrepancy which I have discussed above, but the management whimsically and arbitrarily issued notice of superannuation and stopped him from service w.e.f. 16-8-97 though according to them, the concerned workman had to be superannuated w.e.f. 8-7-93 on attaining his age of 60 years. As no satisfactory explanation is forthcoming on the part of the management why they allowed the concerned workman to enjoy five years more service there is every doubt about the entry of date of birth of the concerned workman recorded in Form 'B' Register. I therefore consider that before superannuating the concerned workman from his service the management ought to have sent him to Apex Medical Board for assessment of his age. But without doing so the management superannuated the concerned workman from his service which appears to be arbitrary and violative to the principles of natural justice. I consider, in view of my discussion above, that the age of the concerned workman is required to be assessed by the Apex Medical Board and its decision should be considered as final and binding upon both the parties.

10. In the result, I render the following award :

The action of the management of Joyrampur Colliery of M/s. BCCL in superannuating Sh. Shashi Rewani, Fitter, with effect from 16-8-97 is not justified. The management is directed to send the concerned workman to the Apex Medical Board for assessment of his age within 30 days from the date of publication of the award in the official Gazette. The decision of the Medical Board will be final.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 फरवरी, 2004

का० आ० 493.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरा में, केन्द्रीय सरकार टिस्को लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण-II, धनबाद के पंचकट (संदर्भ संख्या 178/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2004 को प्राप्त हुआ था।

[सं० एल-20012/351/2000-आई०आर०(सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 3rd February, 2004

S. O. 493.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 178/2000) of the Central Government Industrial Tribunal/Labour Court-II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of TISCO and their workman, which was received by the Central Government on 29-1-2004.

[No. L-20012/351/2000-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of I.D. Act, 1947

Reference No. 178 of 2000

PARTIES: Employers in relation to the
management of TISCO. Ltd. and
their workman.

APPEARANCES:

On behalf of the workman : Mr. Samarendra Sinha,
Advocate.

On behalf of the employers : Mr. D. K. Verma,
Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 7th January, 2004.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following Industrial dispute to this Tribunal for adjudication vide their Order No. L-20012/351/2000 (C-1), dated the 29th Nov. 2000.

SCHEDULE

"Whether the action of General Manager of M/s. TISCO., P.O. Jamadoba, Dist. Dhanbad in not regularising the services of Sri Ram Shankar Raw is justified? If not, to what relief is the workman entitled and from what date?"

2. The case of the concerned workman according to Written Statement submitted by the sponsoring Union on his behalf in brief is as follows:—

The sponsoring union submitted that the concerned workman got his appointment under the management on the service strength of his father against permanent vacancy with the lien that as soon as he will complete 190 days attendance in the underground he will be made permanent as a miner. They submitted that the concerned workman completed more than 190 days of attendance in the year 1993 and for which requested the management to make him permanent in the job of miner. He submitted that during 1993, 1994, 1995, 1996, 1997 and 1998 he made his attendance in the underground as miner for 175 days, 224 days, 119 days, 169 days, 129 days and 210 days respectively excluding leave days, rest days and national holidays. They alleged that the management with a view to deprive the concerned workman for regularisation made some artificial breaks in the service in the year 1996, 1997 and since 1999 by engaging more and more contractor workers. They alleged that as the management refused to regularise the concerned workman as miner in spite of performing his job as miner in the underground for 190 days during the year 1993 he raised an industrial dispute before ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal by the Ministry for adjudication. Accordingly, the sponsoring Union submitted prayer on behalf of the concerned workman to pass award directing the management to regularise him in the post of miner since 1993 with consequential relief.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring Union asserted in the written statement on behalf of the concerned workman.

They submitted that they followed the procedure of providing employment to the dependants of the workman at the instant of R.C.M.S. taking into considerations the prevailing situations existing at a particular time. They follow the procedure of getting the dependants enrolled after an employee completes 15 years of service and provide the dependants employment according to seniority at first as temporary worker and on availability of the permanent vacancies, they are regularised against permanent vacant posts. There is no role of regularisation of temporary workers on completion of 240 days of attendance in a year on the surface or 190 days attendance in the underground of the mine. They submitted that the number of permanent posts of miners/loaders are fixed considering the production target for a particular mine and the mining technology adopted for winning the coal. They submitted that according to the commitment made to the recognised Union the management is providing temporary employment to the dependants of workers against temporary vacancies created during leave and sick period of permanent workers. It has been submitted by the

management that the concerned workman is the dependant of Ram Iqbal Shaw and he was provided employment as temporary worker for the first time on 6-5-1992 and he is given employment during temporary vacancies on account of leave, sick etc. of miners/loaders at Jamadoba colliery. They disclosed that it is not practicable for the management to provide him regular employment against any permanent post due to want of vacancy. The concerned workman is at Sl. No. 878 in the seniority list of temporary workers as per the norms of computation of seniority of temporary workers who got employment as dependant of employees. Therefore, it is not practicable for the management to provide him permanent job by disregarding the claims of other senior workmen in the temporary pool maintained by the management in respect of dependents employees. Accordingly they submitted that as the concerned workman has no legal right to demand for the regularisation under any provision of law or under any scheme of the management the present demand of the sponsoring union is without any merit and for which the prayer of the concerned workman is liable to be rejected summarily.

3. POINTS TO BE DECIDED

"Whether the action of General Manager of M/s. Tisco, P. O. Jamadoba, Distt. Dhanbad in not regularising the services of Sri Rama Shankar Saw is justified? If not, to what relief is the workman entitled and from what date?"

4. FINDING WITH REASONS

It transpires from the record that the concerned workman examined himself as WW-1 with a view to substantiate his claim. Management also examined one witness as MW-1 in support of their claim. Considering the evidence and facts disclosed in the pleadings of both sides I find no dispute to hold that the concerned workman got his appointment as temporary miner on the service strength of his father on 6-5-1992. It is the claim of the concerned workman that in spite of his discharging duties as miner in the underground for more than 190 days in each year since 1993 the management refused to regularise him in that grade, i.e. miner. On the contrary from the submission of the management it transpires that the concerned workman got his appointment as temporary worker in the quota of dependants employees as per dependant employees register. They submitted that they maintain a seniority list of those workmen who get appointment under the dependant quota and according to the seniority list their services are regularised based on permanent vacancy. They submitted further that the concerned workman is junior to more than 800 temporary employees as per the said seniority list and as such question of his regularisation toppling his seniors could not be considered at any circumstances. It is further contention of the management that as per vacancy when

the turn of the concerned workman will arise he will be regularised automatically.

Considering the submission of both sides it is clear that the management maintains a scheme for consideration of the employment of the dependant of the employees whose names are enrolled in in Employers Dependant Register. Under this scheme the concerned workman got his temporary employment as underground miner against leave and sick vacancies but his regularisation could not be considered by the management on two grounds, viz. as per employment list of temporary workers his position is above 800 and superseding his seniors there was no scope to regularise him and secondly regularisation of such worker depends on availability of vacancy. Management in course of hearing did not deny the fact of the concerned workman's attendance as minor in the underground for more than 190 days in a year during the period since he got his temporary appointment as minor but submitted further that for the said reason the concerned workman is not entitled to get privilege for his regularisation superseding his seniors.

5. Learned Advocate for the concerned workman on the contrary relying on the decisions reported in 2002(96) FLR 404, 2002(94) FLR 1183 and 2003(97) FLR 534 submitted that the concerned workman is entitled to get regularisation in service as he worked more than 190 days in the underground as miner in a year under the management. I have carefully considered the decisions referred to above. It transpires that in all these cases the workman was illegally retrenched from the service. Learned Advocate for the management submitted that these decisions of the Hon'ble Courts are not applicable in the instant case on the ground that the concerned workman was not retrenched by the management. On the contrary still he has been provided with temporary employment under the scheme for employment of the dependants of the employees.

6. No evidence on the part of the concerned workman is forthcoming to show that he has been dismissed or retrenched by the management in spite of his rendering service for more than 190 days in the underground as miner in each year since the period of his employment. There is reason to hold that the the concerned workman got his employment as per enrolment of his name in the register for employees dependant. As the father of the concerned workman is a senior employee as per the scheme launched by the management his name was recorded in the employees dependant register along with the name of the dependants of other employees. Considering submission of the management it transpires that according to seniority the names of the dependants who have got their employment a panel has been prepared and as per panel and according to seniority these dependants are regularised in service on opening of permanent vacancy. This fact which the management disclosed in

course of hearing was not denied by the concerned workman. It is fact that instead of facing open competition the concerned workman has got his employment as per the scheme launched by the management. Therefore the concerned workman must abide by the service conditions as per the terms of the scheme. As per the panel position of the concerned workman is beyond 800. Therefore, if the demand of the concerned workman is considered in that case his regularisation is to be done superseding all his seniors and if it is so done it will invite a serious chaos in the mines which definitely will jeopardise the scheme itself which was introduced for the better benefit of the employees. Apart from all these facts and circumstances it should be borne into mind that question of regularisation depends on the availability of permanent vacancy. If no permanent vacancy exists there is no scope to regularise the workman in permanent vacancy. No evidence is forthcoming on the part of the concerned workman to the effect that his is the senior most miner as per panel prepared by the management and there exists clear permanent vacancy where he could be regularised. The concerned workman cannot expect double benefit i.e. the benefit for employment as per dependants quota and his regularisation superseding his senior who as per panel are waiting for their regularisation. I consider that the concerned workman must show his diligence to the panel prepared by the management as per seniority for regularisation of their services. It is not expected that jeopardizing the interest of other senior workers as per panel his case is to be considered for regularisation as his interest stands on the same footing with his seniors.

Accordingly in view of the facts and circumstances discussed above I hold that the concerned workman is not entitled to get any benefit in view of his prayer.

In the result, the following Award is rendered :—

“The action of General Manager of M/s. Tisco, P.O. Jamadoba, Distt. Dhanbad in not regularising the services of Sri Rama Shankar Saw is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 3 फरवरी, 2004

का. आ. 494.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डेल्टा एअरलाइंस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, मुम्बई के पंचाद (संदर्भ संख्या 64/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2004 को प्राप्त हुआ था।

[सं. एल-11012/51/2001-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd February, 2004

S.O. 494.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/2003) of the Central Government Industrial Tribunal/Labour Court-I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Delta Airlines and their workmen which was received by the Central Government on 29-1-2004.

[No. L-11012/51/2001-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT

INDUSTRIAL TRIBUNAL NO. 1

AT MUMBAI

Present : Shri Justice S. C. Pandey,
Presiding Officer

Reference No. CGIT-64 of 2003

Parties :

Employers in relation to the management of
Delta Airlines

AND

Their workmen

Appearances :

For the Management : Sri G. S. Shetty,
Advocate

For the Workmen : No appearance

State : Maharashtra

Mumbai, the 13th day of January, 2004

AWARD

1. This is a reference under clause (d) of Sub-section 1 and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) for resolving the industrial dispute between M/s. Delta Airlines (the company for short) and Delta Airlines Employees Association (the union for short) Marol, Andheri East. The terms of the dispute are as follows :

1. क्या मैसर्स डेल्टा एअरलाइन्स का तर्क कि उनके दिल्ली कार्यालय के बंद होने पर उसमें कार्यरत 94 केबिन अटेंडेंट्स को मुम्बई स्थानांतरित किया गया है न कि उनकी छुट्टी के पश्चात् पुनः सेवा योजना का लाभ दिया गया है ? यदि हां तो क्या यह कार्यवाही उचित एवं न्यायसंगत है ?
2. क्या मैसर्स डेल्टा एअरलाइन्स का तर्क कि दिल्ली में कार्यरत केबिन अटेंडेंट्स को मुम्बई से स्थानांतरित किए जाने पर मुम्बई में पहले से कार्यरत कर्मचारों की सेवा शर्त पर कोई प्रभाव नहीं पड़ता सही है ?

3. क्या मुंबई में पहले से कार्यरत एवं दिल्ली से स्थानांतरित केबिन अटेंडेंट के दो वर्गों में अंतर-वरिष्ठता निर्धारित किये जाने का आधार एवं मापदण्ड न्यायपूर्ण उचित एवं नियमों के अनुकूल है ?

2. The case was fixed for 29-12-2003 Shri K. S. Trivedi, Advocate appeared for the company. Nobody appeared for the union. The case was adjourned for giving opportunity to the union on 13-1-2004. Shri G. S. Shetty, Advocate appeared for company. None appeared for the union.

3. In view of the fact that the party raising the dispute is not present today, even though, a notice for its appearance was sent by the office under certificate of posting. It is presumed that it must have been received by it. Consequently this case is closed. It is held that union does not want to appear and contest the reference by filing the statement of claim.

4. The reference is not accepted because the union representing the workman of the company does not want to contest to the reference by filing a statement of claim. It is inferred their appears to be no dispute between the parties regarding the questions referred to this Tribunal. The reference is accordingly disposed of. No costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 5 फरवरी, 2004

का. आ. 495.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे, अजमेर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण-कम-मेयर-कोर्ट, अजमेर के पंचाट (संदर्भ संख्या आई.डी. नं. 10/01) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2004 को प्राप्त हुआ था।

[सं. एल-41012/14/2001-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th February, 2004

S.O. 495.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 10/01) of the Industrial Tribunal/Labour Court, Ajmer now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Paschim Railway, Ajmer and their workmen which was received by the Central Government on 04-02-2004.

[No. L-41012/14/2001-IR (B-1)]

AJAY KUMAR, Desk Officer

अनुबन्ध

श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण,
अजमेर (राज.)

पीठासीन अधिकारी : अतुल कुमार जैन, आरएचजेएस

प्रकरण संख्या-सी आई टी आर-10/2001

[केन्द्र सरकार का रेफरेंस पत्र क्र. एल-41012/14/2001/आईआर
(बी-1) दिनांक 16-5-01]

ब्रह्मदत्त पुत्र सोहन दास, रेलवे कर्मचारी मशीन शॉप कैरिज अजमेर

जिरिये अध्यक्ष, पश्चिम रेलवे कर्मचारी परिषद्, अजमेर

.....प्रार्थी

बनाम

मुख्य कारखाना प्रबंधक, लोको, अजमेर

.....अप्रार्थी

उपस्थित : श्री सुरेंद्र गोयल, यूनियन प्रतिनिधि, प्रार्थी पक्ष की ओर से।

सुश्री गुरमीत कौर, एडवोकेट, विपक्षी की ओर से।

दिनांक : 22-1-2004

निर्णय/अवकाश

इस प्रकरण में केंद्र सरकार से प्राप्त रेफरेंस (श्रम विवाद) इस प्रकार का कि क्या चीफ वर्क्स मैनेजर (लोको) पश्चिम रेलवे, अजमेर द्वारा हाईली स्किल्ड ग्रेड-II से हाईली स्किल्ड ग्रेड-I की पदोन्नति के लिए दि. 4-9-1997 को लिखे गये ट्रेड टेस्ट का रिजल्ट छः माह की अवधि में नहीं निकालना तथा प्रार्थी ब्रह्मदत्त दास को तदनुसार आर्टिजन ग्रेड-II से आर्टिजन ग्रेड-I में पदोन्नति नहीं देना उचित है ? यदि नहीं तो प्रार्थी किस अनुलोच को पाने का हकदार है ?

प्रार्थी ने अपना स्टेटमेंट ऑफ क्लेम दि. 5-9-01 को पेश करके अनुरोध किया था कि उसे 4-3-99 से उच्च कुशल ग्रेड-I में पदोन्नत किया जावे तथा 4-3-99 से फैसला होने तक के एरियर भत्ते तथा वरिष्ठता भी प्रदान की जावे। अपनी बहस का लिखित सारांश भी प्रार्थी पक्ष ने दि. 18-12-2003 को पेश किया था इसमें प्रार्थी ने लिखाया है कि वह दि. 10-11-97 के छः माह पश्चात् दि. 9-5-98 से ही ग्रेड-प्रथम पाने का अधिकारी है तथा उसी समय से उसे पदोन्नत मानकर तदनुसार उसे एरियर भत्ते व वरिष्ठता का लाभ दिया जावे। प्रार्थी के क्लेम तथा प्रार्थी द्वारा की गयी बहस में जो विसंगति है, उसे हम आगे विवेचित करेंगे।

विपक्षीय ने स्टेटमेंट ऑफ क्लेम का जवाब दिनांक 31-5-2002 को पेश किया था।

क्लेम के समर्थन में शहादत में प्रार्थी ने खुद का हलफनामा दि. 4-3-03 को पेश किया था, उससे विपक्षी ने जिरह दि. 30-7-2003 को की है। विपक्षीय की ओर से गवाह ओमप्रकाश, कार्यालय अधीक्षक का हलफनामा दि. 13-11-2003 को पेश हुआ था तथा उससे प्रार्थी पक्ष ने जिरह दि. 4-12-03 को की है। दस्तावेजी संवृत में प्रार्थी पक्ष ने

कोई दस्तावेज पेश नहीं किया है लेकिन विपक्षी ने प्रदर्श एम-1 लगायात एम-12 साक्ष्य में प्रदर्शित कराये है।

यह विधि का सुनिर्धारित सिद्धांत है कि श्रम न्यायालय रैफरेंस का निपटारा करते समय रैफरेंस से बाहर नहीं जा सकती है। इसी डेंटल मैटर्स पर श्रम न्यायालय अपने विचार व्यक्त कर सकती है लेकिन श्रम न्यायालय रैफरेंस में दिये गये अधिकार क्षेत्र का पूर्णतः उल्लंघन नहीं कर सकती है। इस संदर्भ में माननीय सर्वोच्च न्यायालय की नजीर एआईआर 1979 सुप्रीम कोर्ट पेज 1356 पोर्टरी मजदूर पंचायत बनाम परफेक्ट पोर्टरी कंपनी उल्लेखनीय है। वर्तमान प्रकरण में केंद्र सरकार के श्रम मंत्रालय ने विचारण हेतु हमारे समक्ष निम्न प्रश्न भेजे थे :—

1. क्या दि० 4-9-97 को लिये गये संदर्भित टैस्ट का रिजल्ट छः माह में नहीं निकालकर विपक्षी ने कोई अनुचित कार्य किया है?
2. क्या प्रार्थी को उक्त छः माह की अवधि गुजरते ही आर्टिजन-ग्रेड-I की पदोन्नति प्राप्त करने का अधिकार उत्पन्न हो गया था?
3. प्रार्थी तदनुसार किस अनुतोष को पाने का हकदार है?

विपक्षी का कहना है कि ट्रेड टैस्ट दि० 4-9-97 से 8-11-97 तक चला था तथा इसका रिजल्ट दि० 5-2-99 को घोषित किया जा चुका है। परिणाम घोषित किये जाने में हुए विलंब का कारण प्रार्थी ने यह बताया है कि पहले रेलवे ने पत्र दि० 14.1.98 के तहत उच्च कुशल ग्रेड-I तथा ग्रेड-II के वेतनमान को मिलाकर वेतनमान रु० 4000-6000 कर दिया था तथा बाद में पत्र दि० 8-12-98 के द्वारा पुनः ग्रेड-I व ग्रेड-II के वेतनमान अलग-अलग कर दिये थे जिसकी वजह से उक्त परिणाम 5-2-99 से पूर्व घोषित नहीं किये जा सकते थे। इस प्रकार परिणाम घोषित किये जाने में हुए विलंब का उचित स्पष्टीकरण विपक्षी ने दे दिया। प्रश्न विचारणीय प्रश्न उक्त प्रकार से एतद्वारा तय किया जाता है।

जहां तक दूसरे विचारणीय बिंदु का प्रश्न है, प्रार्थी ने जिरह में स्वयं ने स्वीकार किया है कि प्रशासन ने उसे सितंबर 97 में हुई परीक्षा में जान-बूझकर फेल नहीं किया था तथा वह स्वयं ही पास मार्क्स नहीं आने के कारण फेल हो गया था। प्रार्थी ने अपने बयानों में ऐसा कोई परिपत्र नहीं बताया है जिसके तहत ट्रेड टैस्ट के छः माह गुजरते ही दोबारा ट्रेड टैस्ट नहीं लिये जाने पर अभ्यर्थी को स्वतः ही उत्तीर्ण हो जाना मान लिया जाता हो। विपक्षी के गवाह ओमप्रकाश शर्मा ने जिरह में यह स्वीकार किया है कि रेलवे बैकअप के अनुसार पद रिक्ती होने पर प्रत्येक छः माह में ट्रेड टैस्ट लिये जाने का प्रावधान है लेकिन उक्त गवाह ने जिरह में यह कहीं भी स्वीकार नहीं किया है कि नियत अवधि में ट्रेड टैस्ट नहीं लिया जा सके तो अभ्यर्थी को ट्रेड टैस्ट में स्वतः ही उत्तीर्ण होना मान लिये जाने का कोई प्रावधान हो। प्रार्थी का यह तर्क काल्पनिक है कि 10-11-97 से छः माह पश्चात् ट्रेड टैस्ट लिया जाता तो प्रार्थी उत्तीर्ण हो जाता और उसके पश्चात् वह पदोन्नत हो जाता और उक्त काल्पनिक तर्क के आधार पर प्रार्थी को दि० 10-11-97 के छः माह पश्चात् 9-5-98 से उसे ग्रेड-I में पदोन्नत माने जाने का तर्क

किसी भी प्रकार से स्वीकार किये जाने योग्य प्रतीत नहीं होता है। बिन्दु सं 2 व 3 भी इस प्रकार प्रार्थी के खिलाफ तय किए जाते हैं।

इस प्रकार हमारे द्वारा किये गये उक्त विवेचन एवं विपक्षी द्वारा पेश किये गये फोटो कॉपी दस्तावेजात् प्रदर्श एम-1 लगायात एम-12 के अवलोकन पश्चात् प्रार्थी का क्लेम पूर्णतः खारिज होने योग्य प्रतीत होता है, जो एतद्वारा खारिज किया जाता है। यहां यह उल्लेखनीय है कि विपक्षी ने प्रार्थी के स्टेटमेंट ऑफ क्लेम के जवाब में यह बताया गया है कि दि० 2-3-02 व 15-3-02 को मशीन ऑपरेटर ग्रेड-I के रिक्ती पदों के लिए ली गयी परीक्षा में प्रार्थी को उत्तीर्ण होने पर दि० 21-3-02 से मशीन ऑपरेटर ग्रेड-I के पद पर प्रोन्नत कर दिया गया है।

तदनुसार इस प्रकरण में प्रार्थी का क्लेम खारिज किया जाकर अवार्ड इस प्रकार पारित किया जाता है कि रैफरेंस की टर्म्स में प्रार्थी ब्रॉडर दत्त विपक्षी से कोई राहत या बैंक डेट से पदोन्नति या वरिष्ठता या एरियर्स पाने का अधिकारी नहीं है।

अतुल कुमार जैन, न्यायधीश

नई दिल्ली, 5 फरवरी, 2004

का. आ. 496.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ. सी. आई. के प्रबंधन के संबंध में निरीक्षणों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली नम्बर II (संदर्भ संख्या 88/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2004 को प्राप्त हुआ था।

[सं. एल-22012/109/एफ/94-आई.आर. (सी-II)]

एन. पी. केशव, डेस्क अधिकारी

New Delhi, the 5th February, 2004

S.O. 496.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 88/94) of the Central Government Industrial Tribunal/Labour Court, New Delhi No. II, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of F.C.I. and their workmen which was received by the Central Government on 04-02-2004.

[No. L-22012/109/F/94-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
NEW DELHI

Presiding Officer: R. N. RAI

ID No. 88/94

MADAN SINGH RANA

Vs

FOOD CORPORATION OF INDIA

AWARD

The ministry of Labour by its letter dated 2-8-94 has referred the following points for adjudication.

“Whether the management of FCI, New Delhi was justified in not stepping up of pay of Sh. Madan Singh Rana, Messenger as against his juniors? if not to what relief the workman is entitled to?”

The General Secretary has filed statement of claims concerning on behalf of Shri Madan Singh Rana, Messenger.

He has stated in his claim that Shri Madan Singh Rana served the Army from 27th December, 1964 to 08-08-1975 and at the of his retirement as reservist from army his basic pay was Rs. 230 in pay scale of Rs. 200 to 260.

That as per the standing instructions of Central Govt., the ex-serviceman have been allowed protection of pay while getting appointment in other Govt. Services/Public Sector etc.

That while employing Shri Madan Singh Rana, Messenger in FCI on 16-08-1976 that the said principle was ignored and and being unaware of the rules of pay fixation of ex-serviceman, Shri Madan accepted the basic pay offered to him as 210 in pay scale of Rs. 210-4-25-5-290.

That later on when Shri Madan Singh Rana came to know in case of Shri Umed Singh appointed as Watchman on 14th December 1977 and Shri Dayar Singh appointed as Watchman on 22-09-1978, their pay being ex-serviceman was fixed as Rs. 230 and Rs. 234 respectively in the same pay scale, being senior to them he represented for stepping up of pay in 1978 and onwards but the management denied the claim.

That the matter was taken into conciliation before asstt. Labour Commissioner (Central), New Delhi where the management in their counter No. PF/M-234/E.II Dt. 26-07-1993 informed in para 3 that they were withdrawing the pay fixation earlier given to Shri Umed Singh and other and thus rejected the claim (Annexure).

That the said action of the management was not fair and justified as our claim was for higher pay fixation under the rules prescribed for ex-serviceman and Sh. Umed Singh and Dayar Singh, both watchman, Delhi region were given correct pay fixation.

That in view of above, it is prayed as under :—

- A. That the pay of Sh. Madan Singh Rana, Messenger, FCI Hqs. be refixed from 16-8-1976 keeping in view the Central Govt. instructions regarding pay-fixation of ex-serviceman as contained in office. Order No. 33/81/89-fin/BSF—dated 9-2-90 from Ministry of Home Affairs and any other instructions issued by Central Govt. on his behalf from any date at basic pay of 230/- per month w.e.f. 16-8-76.

- B. That any other appropriate other the Hon'ble Presiding Office would like to pass in the matter to benefit the applicant Sh. Madan Singh Rana.

The OP has filed a written statement. The OP has said that :—

There is no legal and valid reference as the alleged claim of the workman or pay fixation from 16-8-76, is barred by time and the Hon'ble Court as no jurisdiction to entertain and try the present reference/industrial dispute.

The workman has no claim to pay fixation at the higher scale and is not entitled to such relief as the pay fixation at the higher stage/stages envisaged is not applicable to the workman as it relates to the ex-combattant clerks or to war service candidates. The workman has not been gainfully employed in such a category. He was rifleman. His case is not covered as war service candidate. The incomant/workman has been rightly given pay scale as watchman on 16-8-76 with basic pay of Rs. 210/-

The claim statement and the reference disclose no cause of action. The claim is liable to be rejected and claim pension be dismissed under order 7 rule 11 CPC.

PARAWISE REPLY

Para 1 of the claim statement is not admitted. The workman be put to strict proof for the submission made in this para.

Para 2 of the claim statement is a matter of record and the standing instruction of the Central Govt. are not applicable in the case of the workman who has been a Rifle man. His case is not covered as far service candidate and he is not in the category of ex-serviceman. Pay fixation envisaged in the standing instruction of the Central Govt. Relate to clerks or to war service candidate. The workman has not pleaded such a position in his favour. His retirement as reservist from army does not indicate any status as clerk or war service candidate.

That the content of para 3 are denied to the extent that the management of FCI ignored any guideline or instruction laid down by Central Govt. However, it is not denied that Sh. Madan Singh Rana was offered the basic pay is Rs. 210/- in the pay scale Rs. 210-4-250-5-290/-. It is further denied that the workman was agnorant and unaware of the rules regarding pay fixation of ex-serviceman. It is respectfully submitted that the management employed Sh. Madan Singh Rana as mess. And he was offered a pay scale applicable to his category of employees i.e. Messenger.

That the content of para—4 are wrong and misleading and same are denied. It is however, submitted that the management after realising that the pay in respect of Sh. Umed Singh has not been properly fixed was reviewed vide order No. 167/1993, dated 16-03-1993 (P. 82-82/C).

In reply to para—5, it is submitted that the management clarified the position to be learned Asstt. Commissioner, New Delhi to the effect that the pay fixation

in case of Sh. Umed Singh Watchman has been issued by Regional Office, Delhi vide Office No. 167/1993, dated 16-06-1993.

That the content of para—6 being wrong and incorrect and same are denied that Sh. M.S. Rana is eligible for higher pay fixation under the rules prescribed for Ex-serviceman.

The content of para—7 of the claim statement are not admitted to be correct. It is submitted that the claimant workman is not entitled to the relief claimed. The submission made by the management vide their reply dated : 26-07-1993, before the Asstt. Labour Commissioner, are reiterated as the reply to this para No. case of alleged is made out by the workman. The claim statement is meritless and is not maintainable. The petition be dismissed with cost.

The General Secretary has filled rejoinder. In his rejoinder he has stated that :

1. Shri Madan Singh Rana was employed in FCI on 16-08-1976. He came to know about pay fixation of Shri Umed Singh appointed on 14-12-1977 and Shri Dayal Singh (both watchman) appointed on 22-09-1978 and hence he started representing for re-fixation taking into account the benefit given to the subsequent appointees, and the reply of management could be received only on 06-02-1991 and 25-07-1991. On receipt of this reply, the matter was taken into conciliation by the ALC (Central), New Delhi and ultimately the reference has come to CGIT, New Delhi. As such, it is denied that the pay fixation claimed from 16-08-1976 is barred by time and the Labour Court has no jurisdiction to entertain and try the present reference/ID.
2. The objection raised by management is denied as instruction from Ministry of Home Affairs dt. 09-02-1990 in this case very clear and relevant in the matter.
3. The claim statement is very clear in showing cause of action hence the objection is denied.

PARAWISE REPLY

The claim statement is matter of record and the same can be verified from the official records available with management or otherwise the personal file in the custody of previous Departmental and the FCI can be summoned and verified.

The contention of management is denied as the case of workman is covered under standing instructions of the Central Govt. It is reiterated that the workman belong to the category of ex-serviceman. A copy of certificate of service marked as serial No. 26377 duly attested by DM (Civil) FCI, New Delhi is enclosed to substantiate the claim.

The claim is reiterated.

It is denied that the pay of Sh. Umed Singh was fixed wrongly and the statement of claim against this para is reiterated.

It is reiterated that Shri M.S. Rana is eligible for higher pay fixation under the prescribed for ex-serviceman. Further, it is for Labour Court to decide whether our contention is correct or incorrect instead of management concluding so.

The claim statement against this para is reiterated and it submitted that the reply dt. 26-07-1993 by the management before Asstt. Labour Commissioner was duly replied by the union on 23-08-1993 (copy enclosed) as Annexure-II.

It is submitted that the statement contains all merits and contention of management in this regard is denied.

Heard argument of both the parties and perused the record. The workman was getting basic pay of Rs. 230. But when he was employed as messenger in FCI on 16876. His basic pay was fixed at Rs. 210. He should get the basic pay of Rs. 230. He should also get allowance and pension and fund etc. his pay should be stepped up. The learned counsel for the management argued that his pay was Rs. 230 admittedly but he was an ex-servicemen and it was his re-employment so his pay was fixed at Rs. 210. It was also argued that the salary of Sh. Umed Singh and Sh. Dayal Singh which was wrongly fixed has been reduced.

Since Sh. Madan Singh Rana was an ex-serviceman and the salary of other ex-servicemen has been subsequently stepped down it was fixed wrongly in view of the stepping down the salary of ex-serviceman the applicant workman cannot get his salary stepped up.

In the circumstances of the case FCI, New Delhi is justified in not stepping up pay of Sh. Madan Singh Rana messenger as the salary of juniors has been subsequently reduced. He is not entitled to get relief as claimed for. The Award is given accordingly.

R. N. RAI, Presiding Officer

नई दिल्ली, 5 फरवरी, 2004

का.आ. 497—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ.सी.आई. प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली नम्बर 1 (संदर्भ संख्या 100/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2004 को प्राप्त हुआ था।

[सं. एल-22012/117/1996-आई.आर. (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 5th February, 2004

S.O. 497.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/96) of the Central Government Indus. Tribunal-cum-Labour Court, New Delhi No. 1 as shown in the Annexure in the Industrial Dispute

between the management of F.C.I. and their workmen which was received by the Central Government on 04-02-2004.

[No. L-22012/117/1996-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT : NEW DELHI

Presiding Officer : Shri B. N. Pandey.

I. D. No. 100/96

Shri Naresh Pal,
S/o Sh. Dhan Pal, Driver
C/o Delhi Labour Union,
Agarwal Bhawan,
G.T. Road, Tis Hazari,
Delhi-110054.

... Workman

Versus

The General Manager,
M/s. F.C.I. Project Implementation
Division No. 42-44, Nehru Place,
New Delhi-110019

... Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-22012/117/96-IR(C-II) dated 06-11-1996 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of F.C.I. in terminating the services of Shri Naresh Pal, Driver w.e.f. 9-5-95 is justified? If not, what relief the concerned workman is entitled to?”

2. The termination of workman Shri Naresh Pal, Driver has been challenged as per allegations made in statement of claim that the workman joined employment of the F.C.I. w.e.f. 1-2-95 as a Driver. He was being treated as daily rated/casual/muster roll worker although he was being paid wages at the end of the month. His last drawn wages were Rs. 2100/-, presumably as fixed and raised from time to time while his counter parts doing the identical work but being treated as regular employee were being paid their salaries in the pay scale of Rs. 1200-2040 with usual allowances admissible under the rules; that the services of the workman were terminated w.e.f. 9-5-95 without assigning any valid reason thereof; that the job against which workman was working is of a regular and permanent nature and still existing; that the workman had acquired status of a permanent employee after completing 90 days of continuous employment as provided in Model Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946 applicable to the workman and the management of the Food Corporation of India; that the management with ulterior motive and *mala fide* intention had showed the workman employed only for 60 days w.e.f. 1-2-95 although he was paid 38 days wages after termination

of his services, amounting to Rs. 2660 by a voucher. That he was also challaned by the traffic police on 6-4-94 when he was driving management's vehicle Jeep No. DL-3CE 7250. Further the Jeep met with an accident by a Maruti Car and the workman had lodged a report with the Police Station Chankya Puri for the same on the same day i.e. 4-5-95; whereas the management alleged that the workman never worked with the management in the month of April or May, 1995 for which wages have not been paid; that the workman has been meted out with hostile discrimination as juniors to him have been retained in service and he has been thrown out of the job; that in case of retrenchment no seniority list was displayed, no notice was given, no notice pay was offered and no service compensation was either offered or paid at the time of termination of his services. That the impugned termination of the workman's services is violative of Section 25-G and H of the I.D. Act, 1947; that the workman is unemployed since 9-5-95; that the action of the management in terminating the services of the workman is illegal and unjustified, therefore, it has been prayed that the workman is entitled to reinstatement with continuity in service and full back wages.

3. The management filed its written statement contesting the claim of the workman and alleging that the very reference made by the appropriate Government is bad in law as there was no relationship of employer and employee between the management and the workman; that the workman was never given employment on the post of a driver continuously during the period 1-2-95 to 9-2-95. He was engaged for the month of February, 1995 and March, 1995 only. He was not engaged beyond March, 1995; he was not taken on muster roll of a daily rated/casual worker; his services for that period were on hire basis and he was paid the charges of Rs. 2100 PM prescribed by the minimum Wages Act. His wages were not on daily rate or casual rate wages; he had no comparison with his other counter parts as those counter parts were not doing identical work, the counter parts were on regular employment basis which cannot be equated with that of the workman; that the services of the workman came to end automatically after expiry of the fixed term i.e. the month of Feb. 1995 to March, 1995 and thus there was no question of termination of his services; that the workman had worked only for a short period of February and March, 1995 and question of engaging him continuously for 90 days does not arise; that on verification of the log book which is officially authenticated record of using the vehicle, it is found that the said vehicle was never taken to Gurgaon at 12 noon on 6-4-95 by the workman and a photo copy of the log book of the vehicle of 6-4-95 is placed on the record. It clearly indicates that workman has made a fabricated document just to give evidence for his claim which is beyond truth and hence denied. The document being false itself indicates the fact that no damage was caused to the jeep nor the Maruti Car number was noted in the alleged report. In which

the applicant/claimant wanted no action. The purpose of reporting the matter to the police is also silent hence the document is not worthy of any belief; that the document regarding challan of the jeep and accident of the jeep with car are false and fabricated; that there was no question of hostile discrimination with the workman and there was also no question of retention of his juniors in service as his engagement was for a short period only; that there was no question of following the procedure of Section 25-F of the I.D. Act; that the claim of the workman has no merit and is liable to be dismissed.

4. A rejoinder on behalf of the workman was also filed denying allegations made in the written statement and reiterating earlier allegation made in the statement of claim.

5. In evidence both the party filed photostat copies of various documents. The workman has also filed his own affidavit in support of his claim.

6. On 1-8-97 management was proceeded *ex parte* in the case and *ex parte* award was also passed on 28-2-2001 by my predecessor in office.

7. The *ex parte* award was set aside by the Hon'ble High Court of Delhi through its order dated 15-7-2003 passed in Writ Petition No. 6119/2002 etc. and the case was remanded back to this Tribunal with direction to decide it afresh.

8. After remand of the case, the workman Naresh Pal was cross-examined by the A.R. of the Management and the Management also filed affidavit of Shri N.S. Subramaniam, Joint Manager Engineering (MW1), Shri M.K. Hingorani, Manager Engineering (MW2), Shri Suresh Kapoor, Asstt. Manager, Civil Engineering (MW3) who were cross-examined on behalf of the workman.

9. Heard arguments of both sides and perused the file.

10. The workman claims that he joined the services of Management w.e.f. 1-2-1995 as a driver; he was being treated as daily rated casual muster roll worker although he was being paid wages at the end of the month. His last drawn wages were Rs. 2100 as fixed. According to him he worked w.e.f. 1-2-1995 to 9-5-1995 i.e. for a period of 98 days only continuously. Whereas the management has denied the fact that he worked even after March, 1995.

11. In order to prove that he was in continuous service of the respondent/management till 9-5-1995, he claims that he was challaned by traffic police on 6-4-1995 during his employment while he was driving the jeep of the management and that while he was driving said jeep it met with an accident with a Maruti Car on 4-5-95 for which he had lodged a report with the local police P.S. Chankyapuri, whereas both these facts have been vehemently denied by the management. According to the Management no such incident ever took place within the knowledge of authorities

of the management and both the documents filed by the workman in respect of the alleged incidents are false, forged and fabricated. There is no other evidence to prove that the workman continued in service of the management after March 1995 till 9-5-1995. In support of the case of alleged challan the workman has filed a challan receipt but it has not been proved or verified, hence it cannot be relied upon. And, as regards the case of accident he admits that no damage was caused either to the jeep or the car in the accident. Hence, there seems to be no reason as to why the driver himself lodged the said report to the police although no damage was caused to any one of the vehicles. Further there has been no court case in either of the two incidences. I find that facts of both the alleged incidences are not worth convincing and seems to be mere concoction. Besides, simply on the basis of those alleged two facts it cannot be proved that he was in continuous employment of the management even after March 1995. On the other hand the management has filed log book of the Jeep and also examined M. W. 3 who filed their affidavit and stated that no such accident ever took place nor the jeep was in possession of the workman on the alleged date and that he was not engaged after March 1995. After perusal of the evidence I find that there is no convincing and satisfactory evidence to prove that the workman was in continuous employment after March 1995 or he worked till 9-5-1995 i.e. for 98 days in all as claimed by him. On the other hand the management's evident is direct, sound and reliable. Hence it cannot be accepted that he worked for 98 days in all.

12. The workman further claims that he had acquire status of permanent employee after completing 90 days of continuous employment in view of Model Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946 applicable to the workman and the Management of the F.C.I. Admittedly he did not work for 240 days or more during a period of 12 calendar months preceding the date of his alleged termination as required for application of the provisions of Section 25-F of the I.D. Act, 1947. The learned counsel of the workman vehemently argued that in the case of the workman, it was immaterial that the workman had not worked for 240 days per more because he acquired status of a permanent employee after completing 90 days of continuous employment as provided in model standing orders framed under the Industrial Employment (Standing Orders) Act, 1946 (hereinafter called as 'the standing orders'); but this fact has been denied by the management. According to the management the provisions of the alleged Act and its Rules were not applicable in this case as the employer was not an Industrial Establishment as defined in the said Act or rules. Moreover no Model Standing Order alleged to have been framed by the Management applicable to the workman has been filed by or on behalf of the workman nor there is any evidence about framing of any Model Order by the management in this case. In the I.D. Act there is no provision for acquiring

temporary status of a workman after completing 90 days more working days.

13. The Ld. counsel for the workman failed to satisfy me as to how the Industrial Employment (Standing Orders) Act, 1946 or its Central Rules is applicable in the instant case.

14. Sub-section (e) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946 provides that "Industrial Establishment" means :—

- "(i) an industrial establishment as defined in clause (ii) of Section 2 of the Payment of Wages Act, 1936, or
- (ii) a factory as defined in clause (m) of Section 2 of the Factories Act, 1948, or
- (iii) a railway as defined in clause (4) of Section 2 of the Indian Railways Act, 1890, or
- (iv) the establishment of a person who, for the purpose of fulfilling a contract with the owner of any industrial establishment, employs workman;"

15. Admittedly the F.C.I. in the present case does not fall within the meaning of industrial establishment as defined above. In the Payment of Wages Act, 1936, Industrial Establishment means as under :—

Sec. 2(ii) "industrial establishment" means any—

- (a) tramway service, or motor transport service engaged in carrying passengers or goods or both by road for hire or reward;
- (aa) air transport service other than such service belonging to, or exclusively employed in the military, naval or air forces of the Union or the Civil Aviation Department of the Government of India.
- (b) dock, wharf or jetty;
- (c) inland vessel, mechanically propelled;
- (d) mine, quarry or oil-field;
- (e) plantation.

16. Thus, the management of the present case does not come also within the meaning of industrial establishment as provided in the Payment of Wages Act, 1936. The word 'Factory' has been defined in clause (m) of Section 2 of the Factories Act, 1948 and a railway has been defined in clause (4) of Section (2) of the Indian Railways Act. Section 2(e)(iv) of Industrial Employment (Standing Orders) Act, 1946, provides that the establishment of a person who, for the purpose of fulfilling a contract with the owner of the industrial establishment employs workman. On the basis of above definitions, the management of the present case does not come within the meaning of Industrial Establishment as defined in Industrial Employment (Standing Orders) Act, 1946. Therefore, the provisions of Industrial Employment Standing Orders Act, 1946 cannot be applied in the present case.

17. Apart from that in Schedule I of the Model Standing Orders Central Rules 1946 "a permanent workman" is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial establishment including breaks due to sickness, accident, leave, lock out, strike or any voluntary closure of the establishment". In the instant case the workman claims that he had acquired status of permanent employee after completing 90 days of continuous employment but there is nothing on the record to show that he was engaged on a permanent basis or that he was on probation for a period of 3 months. The workman has also not filed any Model Standing Order framed under this Act in respect of the Employment of workman by the Management. Therefore, he cannot get the status of permanent employee if he was engaged on daily rated/casual or muster roll worker basis as claimed by him. Moreover the above provisions will apply only where the Industrial Employment (Standing Orders) Act, 1946 is applicable. I have already found that it is not applicable in the instant case.

18. In view of the above I find that the workman in the instant case cannot get benefit of the alleged Model (Standing Orders) Act, 1946 or the Central Rules 1946 framed in the Industrial Employment (Standing Orders) Act, 1946.

19. Thus, in view of the above discussions, I find that in any view of the case there is not force in the claim of the workman. He is neither entitled to get benefit of Section 25(F) of the I.D. Act, 1947 or the alleged Model Standing Orders. He was not a permanent/regular employee of the management, therefore, no departmental proceedings was required. As regards the provisions of Section 25G that it was not followed as juniors to the workman were retained in service even after termination of the workman. I find that the provisions of Section 25G can also not be attracted in this case as the workman has not proved that he was appointed on permanent basis or any panel of selected candidates including the workman was prepared or merit list or seniority list was prepared, nor he has disclosed name of any junior to him who was still retained in service. Moreover the provisions of Section 25G are applicable in case of a workman working in an industrial establishment.

20. I find that there is no merit in the case of workman. There is no breach of any provision of law in the instant case. Therefore, the action of the management of F.C.I. in terminating services of the workman Naresh Pal cannot be said to be illegal or unjustified. The workman is entitled to no relief. As such the claim is liable to be dismissed.

Award accordingly.

B. N. PANDEY, Presiding Officer

Dated : 27-01-2004

नई दिल्ली, 5 फरवरी, 2004

का. आ. 498.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एम.सी.सी.एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर (संदर्भ संख्या एल. सी. आई. डी. नम्बर 232/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2004 को प्राप्त हुआ था।

[सं. एल-22012/192/2001-आई.आर. (सी-II)]

एन० पी० केशवन, डेस्क अधिकारी

New Delhi, the 5th February, 2004

S.O. 498.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. L.C.I.D. No. 232/2002) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of M/s. Singareni Collieries Co. Ltd. and their workmen which was received by the Central Government on 04-02-2004.

[No. L-22012/192/2001-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT: HYDERABAD

Present : Shri E. Ismail, B.Sc., LL.B.,
Presiding Officer

Dated 31st day of December, 2003.

INDUSTRIAL DISPUTE L.C.I.D. NO. 232/2002

BETWEEN:

Shri Chippakurthi Rajam
S/o Sh. Lingaiah,
Chennur-I & IA incline, SRP (Project) Area,
Singareni Collieries Co. Ltd.,
Adilabad District. ... Petitioner

AND

The General Manager,
Srirampur (Project) Area,
Singareni Collieries Co. Ltd.,
Srirampur,
Adilabad District. Respondent

APPEARANCES:

For the Petitioner : Smt. A. Sarojana, Advocate
For the Respondent : M/s. K. Srinivasa Murthy &
C. Vijaya Shekar Reddy,
Advocates

ORDER

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of

1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner filed the case regarding his dismissal from service. A memo was filed by the Respondent's Counsel with a copy of reference order on 29-8-2003 stating that the Government of India, Ministry of Labour has referred the dispute to the Hon'ble Industrial Tribunal cum Labour Court, Godavari Khani vide order No. L-22012/192/2001-IR(CM. II) dated 29-8-2002 and the dispute has been numbered there as I.D. 74/2002. That the same is pending for trial. In view of the already existing I.D. 74/2002, the present LCID. 232/2002 is not maintainable.

3. In view of the above memo filed by the Respondent Counsel, this petition is closed as unnecessary.

Ordered accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 31st day of December, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner :	Witness examined for the Respondent :
NIL	NIL

Documents marked for the Petitioner :

NIL

Documents marked for the Respondent :

NIL

नई दिल्ली, 5 फरवरी, 2004

का.आ. 499.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सी.सी.एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर (संदर्भ संख्या एल.सी.आई.डी. नम्बर 73/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2004 को प्राप्त हुआ था।

[सं. एल-22013/1/2004-आई.आर. (सी-II)]

एन० पी० केशवन, डेस्क अधिकारी

New Delhi, the 5th February, 2004

S.O. 499.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. L.C.I.D. No. 73/2003) of the Central Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of S.C.C.L. and their workmen which was received by the Central Government on 04-02-2004.

[No. L-22013/1/2004-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR
COURT AT HYDERABAD**Present :—**Shri E. Ismail, B.Sc., LL.B.,****Presiding Officer**

Dated the 8th day of December, 2003

INDUSTRIAL DISPUTE L.C.I.D. No.73/2002

Between :

Sri V. Sadanandam,

S/o Komaraiah,

H. No. 7-2-166, Mankamma Thota,

Distt. Karimnagar.Petitioner

AND

1. The Colliery Manager,
S.C. Company,

VII Incline, Godavarikhani.

2. The General Manager,
S.C. Company,
Ramagundam Area-I,
Godavarikhani.3. The Managing Director (Administration),
Singareni Collieries Co. Ltd.,
Kothagudem, Dist. Khammam.Respondents**Appearances:**

For the Petitioner : Sri S. Bhagawanth Rao, Advocate

For the Respondent : M/s K. Srinivasa Murthy,
V. Umadevi, C.
Vijaya Shekar Reddy
& Vani, Advocates**AWARD**

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as mentioned in the petition are: That the Petitioner was appointed as an employee on 19-12-90. He was regularized. That he was dismissed on 13-9-98 on the ground of absenteeism. That an enquiry was not properly conducted. The Management after several representations gave the posting orders after 1999 and advised the petitioner to undergo eye testing as there is defect in eye. Accordingly, the Petitioner underwent an eye examination on 19-4-2001. The medical superintendent gave a fitness certificate to resume work as usual. The Petitioner in fact did not have any eye defect. The Petitioner worked eight years without red mark. He ought to have taken into service that with

all benefits from 19-4-2001. That the Petitioner has submitted an elaborate representation to all the persons. They all received it in April, 2002 but there was no response. That after removal there was an agreement between union leaders and Management and the Management accepted to reinstate the Petitioner into service and his number is 18 among the dismissed candidates. Hence, he may be reinstated.

3. A counter was filed challenging the jurisdiction under Sec. 2A(2) for establishments which has already been mentioned in the beginning of the case is taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others. The Petitioner was appointed on 20th December, 1990 as badli filler and later on his services were regularized as coal filler as per seniority. That he remained unauthorisedly absent and continuously absent from 1-1-97 to 30-9-97 and as such a chargesheet dated 16-11-97 was served on him under Company Standing Orders which is extracted below for ready reference "25.31 : Absence from duty without sanctioned leave of sufficient cause or overstaying beyond sanctioned leave". The Petitioner in his explanation dated 31-12-97 which was found not satisfactory as such an enquiry was ordered and enquiry was conducted and he was removed on 13-9-98. That he was not given posting orders after 1999. That in accordance with Memorandum of Settlement dated 21-2-2000, where item No. 26 deals with review of cases of workmen dismissed with absenteeism for their reappointment have been refused. The case of the Petitioner was also reviewed and selected for reappointment as badli filler vide office order dated 21-3-2001 subject to he being found medically fit for the post of badli filler. That on medical examination the Petitioner was found to have 'Divergent Strabismus in the right eye' and as such he was referred to Chief Medical Officer, Kothagudem for further medical examination. Accordingly the Petitioner was examined at Kothagudem and was found unfit for employment in the Respondent Company due to "Right Eye Divergent Squint". The averments that the Medical Superintendent has given a fitness to resume work as usual and he did not have any eye defect are denied and the Petitioner is put to strict proof of the same. Hence, the petition may be dismissed as it is devoid of merits.

4. The Petitioner's Counsel conceded that the domestic enquiry was validly conducted. Hence, arguments under Sec. 11A were heard.

5. It is argued by the Learned Counsel for the Petitioner that the Petitioner was appointed on 19-12-90 was dismissed on 13-9-98. That admittedly his case was also considered for re-appointment. But he was not selected on the ground that he has Squint eye.

6. He submits that the Management decided to take back him in service but they say that due to 'Divergent Strabismus in the right eye'. He cannot be appointed by orders dated 21-3-2001. In terms of item No. 26 of Memorandum of Settlement dated 21-2-2000, the Petitioner is marked at Serial No. 16 for convenience sake and for discussing which is being marked as Ex. M1 at the time of writing the Judgement. He was sent for medical examination, report is Ex. M2, saying he was unfit for employment. He submits that he should have been given some job on the surface, if not underground. Actually speaking how could he have discharged the functions upto 7, 8 years when his eye was defective. Therefore even otherwise, because the punishment was disproportionate as per the settlement which is now marked as Ex. M3, item No. 26, he ought to have been given a job. Therefore, he prays that he may be directed to be reinstated with back wages, continuity of service and other benefits.

7. It is argued by the Learned Counsel for the Respondent that, having conceded that the domestic enquiry is validly conducted, in fact it is as per settlement Ex. M3 settlement dated 21-2-2000 as per item No. 26 his case was considered and in fact he was to be appointed as badli filler vide Ex. M1 and he was found unfit vide Ex. M2. He was not given any job. Therefore, the petition may be dismissed.

8. It may be noted that once having conceded the domestic enquiry valid, the very settlement means that, that the punishment is more and as per item No. 26 of Ex. M3 they decided to review the case of the workman from 1-1-97 to 31-12-99 and this Petitioner was dismissed on 13-9-98 vide Ex. M4. So the Company considered his case that means decided to give a lesser punishment. So, I am of the opinion that the punishment of dismissal can be modified into one of fresh appointment on minimum scale as he was found unfit for underground work. Therefore as the examination from "the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995" came to this Company in 2003, hence, it is not of retrospective effect but prospective effect. Hence, he shall be provided with an alternative surface work of the similar nature in the minimum pay scale on or before 29th February, 2004 failing which he will be entitled to the last pay drawn from 1st March, 2004. However, he is not entitled for continuity of service for any purpose including terminal benefits and he need not be made permanent if he does not put in minimum musters for three consecutive years.

Award passed accordingly. Transmit.

Dicated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 8th day of December, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner
NIL

Witnesses examined for
the Respondent
NIL

Documents marked for the Petitioner

Documents marked for the Respondent

- Ex. M1: Copy of Ir. No. P.R.G.I/32A/1658 dt. 21-3-2001;
Ex. M2: Copy of medical examination report
Ex. M3: Copy of Memorandum of Settlement dt. 21-2-2000;
Ex. M4: Copy of Ir. No. P.R.G.I/22/98/4763 dt. 17-8-98/10-9-98.

नई दिल्ली, 5 फरवरी, 2004

का. आ. 500 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. सी. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर (संदर्भ संख्या एल. सी. आई. डी. नम्बर 74/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-2-2004 को प्राप्त हुआ था।

[सं. एल. 22013/1/2004-आई. आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 5th February, 2004

S.O. 500 — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. L.C.I.D. No. 74/2002) of the Central Government Industrial Tribunal, cum Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman which was received by the Central Government on 04-02-2004.

[No. L-22013/1/2004-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present :—Shri E. Ismail, B.Sc., LL.B.,
Presiding Officer

Dated, the 28th day of November, 2003
INDUSTRIAL DISPUTE L.C.L.D.No.74/2002

Between :

Sri M. Yadagiri,
S/o M. Chennaiah,
C/o R. Yogender Singh,
1-10-100, 1st floor,
ESI Dispensary, Temple Alwal,
Secunderabad-10

.....Petitioner

AND

The Sub-Divisional Engineer,
Micro Wave MTCE-II, HYD4,
3rd floor, Telephone Bhawan,
Hyderabad-500 004.

.... Respondents

Appearances :

For the Petitioner : M/s. R. Yogender Singh,
V. Kiran Kumar &
K. Sunil Kishore Goud,
Advocates

For the Respondent : Sri R.S. Murthy,
Advocate

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief averments as mentioned in the petition are : That the Petitioner was engaged as casual driver with the Respondent from 1-12-91 till March, 1997. That from April, 1997 to March, 1999 he was on ACG-17 which he is unable to produce the service record for the above period. Fortunately he has got the details of his service from 1-12-91 to September, 1996. He was paid arrears of salary in pursuance of the recommendations of 5th Pay Commission and it is evident from the perusal of the letter No. M-7/MW-II-HD/98-99, dated 12-11-99 which clearly shows that he was engaged upto March, 1997 by the Respondent. The Respondent herein informed the Petitioner not to attend the duties from March, 1999 without assigning any reasons. That the services of his juniors were retained while his services were dispensed with. The action of the Respondent in terminating his services arbitrary, illegal, violative of the relevant provisions of the I.D. Act. Hence, the Petitioner is to be directed to be engaged into service with back wages.

3. A counter was filed stating that the post of driver is classified as Group "C" post which is filled in accordance with recruitment rules through advertisements, notifications etc. The recruitment and selection of drivers is generally by the territorial division called as SSAs. The Respondent has no powers to recruit drivers and the requirement of drivers has to be met by the neighbouring territorial jurisdictions only which come under the control of Chief General Manager, Telecommunications, A.P. Circle, Hyderabad. The recruitment powers are vested only with the CGMT as mentioned above. The Petitioner was temporarily engaged purely on casual basis as casual driver with effect from 1-12-91 and paid on ACG-17 due to non availability of regular driver and not made available by the territorial division. That the availability of the

regular drivers from the territorial division there was no scope of continuing the Petitioner as casual driver from 1-4-97 onwards. Further, the Petitioner stayed away as casual driver with the Microwave division with effect from 1-4-97 at his volition. Hence, the statement not to attend duties from March, 1997 is totally false. It is also held by the Hon'ble Supreme Court vide Judgement dated 23-6-97 in SLP(C) No. 7957/1996 held as : "When the appointments are regulated by statutory rules the concept of Industry to that extent stands excluded. The Petitioner were not appointed to the posts in accordance with the rules but were engaged on the basis of the need of the work. They are temporary employees working on daily wages. Their disengagement from service can not be construed to be retrenchment, under the ID Act. The concept of retrenchment therefore cannot be stretched to such an extent as to cover these employees. Since the Petitioners are only daily wage employees and have no right to posts, their disengagement is not arbitrary. Petition dismissed...". Hence, the ID may be dismissed.

4. The Petitioner examined himself as WW1 and deposed that he joined the Respondent Department on 1-12-91 as casual driver and worked till 31-3-97. Ex. W1 shows the number of days he has worked from December, 1991 to September, 1996. Ex. W2 shows the arrears paid to him as per 5th Pay Commission arrears from January, 1996 to September, 1996 From 1-4-97 to March, 1999 he was engaged under voucher basis and terminated orally from 1-4-97 without any notice or compensation. In the cross examination he deposed that Mr. A. Nagesh, A.E. appointed him during 1991 at A.E.'s office, Saifabad. He does not know whether the post of driver is a Group 'C' post filled in accordance with the recruitment rules. He has not applied for the post nor he ever noticed any notification. He was being paid Rs. 2500/- every month till March, 1997. He was orally informed not to come, in 1997, that he was engaged by another A.E. Sri B. Narsimhulu on ACG-17 and worked up to March, 1999. He left the service in April, 1999. He has not represented to the Department nor applied for any post. He left the service because it was given to contract labour. That he is ready to work as casual labour also. One Sri Shakeel is working under contract basis as a driver.

5. One Sri B. Nagesh Rao, Assistant General Manager (Admn.), deposed as MW1. That the post of driver is a Group 'C' post filled in accordance with recruitment rules through advertisement/notification. The Respondent has no powers to recruit drivers and the requirement of drivers are to be met from neighbouring territorial divisions only. The Petitioner was engaged on ACG-17 due to non-availability of regular driver and the same drivers are not made available by the territorial division. That his appointment was on day to day basis. That as per record available with the Department there is no engagement of the Petitioner from 1-4-97 as casual

driver. There is no record to verify that the Petitioner was engaged from 1-4-97 to March, 1999. As the Records have been weeded out due to efflux of time. Hence, he is not entitled for any relief.

6. In the cross-examination he deposed that WW1 was engaged from 1991 to 1997 as per records. He has completed 240 days of his engagement in a year. In Ex. W2 is clearly mentioned that the Petitioner was a motor driver. It was not prefixed with the word casual. He does not know the nature of arrears paid to the Petitioner *vide* Ex. W2. There is no need to maintain the seniority list of casual mazdoor and it will be maintained by the circle office only. He does not know whether WW1 was terminated or he himself abandoned the service. That they have not issued any notice of his abandonment because they do not issue notice to casual employees. Now, the work which has been given to contractors was previously given directly to casual employees. It is correct that they have not issued any notice or one month pay in lieu of notice.

7. It is argued by the Learned Counsel for the Petitioner that the Petitioner was engaged as casual driver with effect from 1-12-91 to March, 1997 by the Respondent continuously without any break in service. During the employment he served with the profound hope, that his services would be regularized. That on 22-4-99 a letter was issued by the Department of Telecom under letter No. SR-117/driver/97-98, existence of vacancies of drivers, under column 'departmental outside quota', it was said: "casual driver/casual labourer will be given age relaxation to the extent of service rendered by them as casual driver". In similar circumstances the Hon'ble C.A.T., Ernakulam Bench observed that, "In the light of what is stated above, I allow this application, set aside Annexures A 7 and A 9 and direct the Respondents to grant the applicant temporary status with effect from 1-9-93 on which date he had rendered more than 206 days of continuous service with all consequential benefits and to consider him for regular absorption as a driver or on a group D post on his turn. The order granting the applicant temporary status shall be issued and the consequential benefits given to him within a period of two months from the date of receipt of a copy of this order. There is no order as to costs". Thus, it is clear that as on 1993 Petitioner completed more than 240 days in a year, instead of granting temporary status and subsequent regularisation the Respondents preferred to terminate the services of the Petitioner arbitrarily in violation of their departmental order No. TA/STV/20-2-Corr/PAW/99/82 dated 20-11-2000, wherein it was directed as, "It is therefore, requested to you kindly examine such cases and furnish the list of casual labourers (without temporary status) working in the Department continuously for more than 240 days prior to 1-8-98 and whose names were not included in the list sent to this office in response to this office letter No. TA/

STB/20-2/Corr/98 dated 26-8-98, in the enclosed proforma, immediately with reason for not informing their name earlier for taking further necessary action". Hence, the Petitioner may be reinstated.

8. It is argued by the Learned Counsel for the Respondent stating that the Petitioner has not filed any evidence that he was engaged from 1-4-97 except asserting that he was terminated from March, 1999. The claim for reengagement is vague. The claim for notice and re-trenchment compensation on 1-4-99 is not tenable in the absence of any evidence of engagement. That in the Hon'ble Supreme Court in Range Forest Officer Vs. T. Hadimam AIR 2002 Supreme Court page 1147 held that the onus lies upon the claimant to show that he had in fact worked for 240 days in a year. In the absence of proof of receipt of salary or wages or record of appointment, filing an affidavit by workman is not sufficient evidence to prove that he had in fact worked for 240 days in a year preceding his termination. In the instant case there is no such evidence. He also relied on a Judgement of Hon'ble Supreme Court in Madhyamik Shiksha Parishad Vs. A. S. Misra AIR 94 page 1638 wherein it was held that attributing status of workman under Industrial Dispute Act to persons completing 240 days of work in not proper and such duration of work does not create right of regularization.

9. He relied on the Judgement of the Hon'ble Supreme Court in H.K. Vidyarthi Vs. State of Bihar 1997(3) Supreme 733 wherein it was held that disengagement of daily wage employees could not be construed as retrenchment under Industrial Dispute Act. He also relied on 2002 II LLJ page 1153 of the Hon'ble Supreme Court's Judgement wherein it was held that workmen engaged for specific purpose and for a particular period and the disengagement on the completion of purpose and expiry of period was in terms of the Contract of Service and therefore not a retrenchment within the meaning of Section 2(o) (o) of the ID Act. In the instant case the Petitioner was engaged as contingent casual driver on daily wages as per the need each time and the engagement ended on every day and commenced on the next day without there being any scope for absorption/regularization and appointment letter as such. Hence, the petitioner may be dismissed.

10. It may be seen that no doubt, the Petitioner admitted as WW1 that the Petitioner has not applied for any post nor made any representation. Further Sri Nagesh Rao, AGM who deposed as MW1 admitted in the cross examination that he worked from 1991 to 1997 he completed 240 days of his engagement in a year. In Ex. W2 it is clearly mentioned that the Petitioner was motor vehicle driver, the word 'casual' was not prefixed. That they have not issued any notice of his abandonment of work. Now the work is given to contractors. It may be

seen that from Ex. W1 clearly which shows that he worked almost not only on working days but also he worked on holidays by working almost entire month right from December, 1991 upto September, 1996 obviously completing 240 days in a year more than once. Not only that he has been paid as per 5th Pay Commission from January, 1996 to March, 1997 Rs. 7986/-. It cannot be now turn round and said that his engagement was on day to day basis. As he has completed more than 1000 days of work at a stretch without any break. It cannot be said that he was being engaged in the morning and disengaged in the evening. He was paid every month and not daily. Hence, the non application of Section 25F is a clear violation and if he has abandoned and ran away, there should have been a notice and it was admitted by MW1 that the Petitioner has completed 240 days of service in a year. That in Ex. W2, it was not mentioned as casual. That he does not know whether WW1 was terminated or he himself abandoned the duty. Even if it is admitted for argument sake that he does not work after March, 1997 upto 1999 yet the provisions of Section 25F have not been followed. Hence, the Petitioner is entitled for reinstatement as casual driver and he shall be reinstated on the minimum wages now applicable on or before 1st March, 2004. However, as he is a driver and he must not have kept quiet for six long years without work hence, he is not entitled for back wages. However, his service from 1st December, 1991 to 31st March, 1997 shall be taken into account for any further action if the Respondent so desires.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 28th day of November, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for Petitioner	Witnesses examined for the Respondent
--------------------------------------	--

WW1 : Sri M. Yadagiri	MW1 : B. Nagesh Rao
-----------------------	---------------------

Documents marked for the Petitioner

Ex. W1 : Copy of Lr.No.M-2/MW-M-II/96-97 dated 13-12-96

Ex. W2 : Copy of particulars reg. No. of days worked by WW1

Document marked for the Respondent

NIL

नई दिल्ली, 5 फरवरी, 2004

का. आ. 501.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. सी. सी. एल. प्रबंधन के

संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर (संदर्भ संख्या एल. सी. आई. डी. नम्बर 97/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-2-2004 को प्राप्त हुआ था।

[सं. एल. 22013/1/2004-आई. आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 5th February, 2004

S.O. 501 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. L.C.I.D. No. 97/2003) of the Industrial Tribunal-cum-Labour Court, Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman which was received by the Central Government on 04-02-2004.

[No. L-22013/1/2004-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT GODAVARIKHANI

Present :—Smt. K. Suvarchala, M.A., B.L.,
Chairman-cum-Presiding Officer

Monday, the 22nd day of December, 2003

INDUSTRIAL DISPUTE No. 97 of 2003.

Between :

Bandari Shankaraiah,
S/o Rajam,
Age 36 yrs., Occ : Coal Filler,
R/o Village Gaddamapalli,
Post : Sundilla (M)
Khamanpur, Distt. Karimnagar.Petitioner

AND

1. Colliery Manager,
V.A. Incline, Gadavarikhani.
2. General Manager,
Ramagundam Area-I, Godavarikhani
3. Managing Director,
Singareni Collieries, Kothagudem,
Administration Kothagudem,
Distt. Khammam.Respondents

This Petition coming before me for hearing in the presence of the petitioner and of Sri D. Krishma Murthy,

Advocate for the respondents and having stood over for consideration till this date, the court passed the following :—

AWARD

P.N.R., Petitioner filed Memo to withdraw the I.D., Petition. Permitted. I.D., closed.

Pronounced by me in the open court on this, the 22nd day of December, 2003.

Smt. K. SUVARCHALA, Chairman-cum-
Presiding Officer

नई दिल्ली, 6 फरवरी, 2004

का. आ. 502.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 142/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-02-2004 को प्राप्त हुआ था।

[सं. एल. 17012/28/1997-आई. आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 6th February, 2004

S.O. 502.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 142/98) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi No. 1 as shown in the Annexure in the Industrial Dispute between the management of L.I.C. of India and their workman, received by the Central Government on 06-02-2004.

[No. L-17012/28/1997-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NEW DELHI

Presiding Officer :

SHRI B. N. PANDEY

I.D. No. 142/98

Shri Keshav Kumar,
S/o Shri Muni Lal,
R/o V-118, Brahm Puri,
Gali No. 1, Ghonda,
Delhi-110053

..... Workman

Versus

Life Insurance Corporation of India,
Sr. Divisional Manager,
Divisional Office-II (Post Box No. 9252)
Jeevan Pragati, Plot No. 6,
District Centre, Laxmi Nagar,
Delhi-110092

..... Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-17012/28797-IR (B-II) dated 29-8-98 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of L.I.C. of India in terminating the services of Shri Keshav Kumar is legal and justified? If not, to what relief the concerned workman is entitled?”

2. As per statement of claim the workman Keshav Kumar has claimed that he was appointed by the management vide appointment letter dated 22-3-96 for a period w.e.f. 26-3-96 to 18-6-96 i.e. 85 days initially as temporary assistant. Later on his services were extended only for a period of 35 days i.e. 19-6-96 to 23-7-96 and thus he had worked for 120 days in all without any interruption; that his engagement was against permanent vacancy; that a few other persons namely Renu Bhardwaj, Bina Arora, Mr. Vijay, Joginder and Manoj who were similarly placed have been regularised in service and the workman has been terminated illegally. Therefore, he has prayed for his reinstatement in service with continuity and full back wages.

3. The claim of the workman has been disputed by the Management. Accordingly to the management the workman was appointed for a fixed term only and he worked for 120 days only in all. Therefore, he is not entitled to get benefit of Section 25 F of the I.D. Act as he did not work for 240 days or more; that after expiry of the fixed period of his employment his services automatically came to end. Accordingly his termination was simplicitor and it cannot be termed as retrenchment, therefore, the claim of the workman is liable to be dismissed.

4. Both the parties filed documentary evidence as well as oral evidence. In oral evidence the workman filed his own affidavit and was also cross-examined. On the other hand Management filed affidavit of Jyoti Virmani as MW1/I who was also cross-examined on behalf of the workman.

5. I have heard A/R of the Management in absence of the workman and also perused the file.

6. Admittedly the initial appointment of the workman was for 85 days only w.e.f. 26-3-96 to 18-6-96

and subsequently it was extended for a period of 35 days more w.e.f. 19-6-96 to 23-7-96. Thus, he worked for 120 days only in all. Admittedly he did not complete 240 days in the preceding year of his termination. Admittedly his initial appointment was for a fixed period of 85 days which came to end automatically after its completion. The subsequent appointment was also for 35 days only which also came to end automatically. Therefore, his termination does not fall within the perview of retrenchment. Therefore, I am of the view that there was no illegality in the action of the Management. The alleged termination of the workman cannot be held to be illegal or unjustified. I find that there is no merit in the claim of the workman. Therefore, it is liable to be dismissed and he is entitled to get no relief. The award is given accordingly.

Dated 3-2-2004

B.N. PANDEY, Presiding Officer

नई दिल्ली, 6 फरवरी, 2004

का. आ. 503.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 179/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-02-2004 को प्राप्त हुआ था।

[सं. एल. 17012/27/1997-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 6th February, 2004

S.O. 503.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 179/98) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi No. 1 as shown in the Annexure in the Industrial Dispute between the management of L.I.C. of India and their workman, received by the Central Government on 06-02-2004.

[No. L-17012/27/1997-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
NEW DELHI

Presiding Officer :

SHRI B. N. PANDEY

I D. No. 179/98

Shri Atul Kumar,
S/o Shri Balbir Singh,
R/o C-12/200, Yamuna Vihar,
New Delhi-110052

..... Workman

Versus

Life Insurance Corporation of India,
Divisional Head Office-II (Post Box No. 9252)
Jeevan Pragati, Plot No. 6,
District Centre, Laxmi Nagar,
Delhi-110092

.....Management

A W A R D

The Central Government in the Ministry of Labour vide its Order No. L-17012/27/97-IR (B-II) dated 29-6-98 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of L.I.C. of India in terminating the services of Shri Atul Kumar is legal and justified? If not, to what relief the concerned workman is entitled?”

2. The workman Shri Atul Kumar has challenged the validity of his termination order given by the management of L.I.C. As per allegations made in the claim statement he claims that he was appointed by the management vide appointment letter dated 26-3-96 for the period 2-4-96 to 26-6-96 i.e. for 85 days initially on temporary basis but later on his services were extended orally for 34 days more i.e. w.e.f. 27-6-96 to 30-7-96 and thus he worked for 119 days in all but thereafter management did not permit him to continue in service, that his appointment was against a permanent post and other workman namely Renu Bhardwaj, Bina Arora and Mr. Vijay, Joginder and Manoj were appointed similarly while being regularised by the department; that the termination of the workman was illegal and unjust. Hence it deserves to be quashed and the workman is entitled to be reinstated with full back wages and continuity in service.

3. His claim has been disputed by the Management by way of filing written statement alleging that he was appointed for a fixed period of 85 days only; that his services came to an end automatically after expiry of the fixed period of his service; that his termination was simplicitor and clearly falls within the exceptions of Section 2(oo) and does not come within the perview of retrenchment; that he did not work for 240 days or more, therefore, his claim has no force and is liable to be dismissed.

4. The workman filed a few documents in proof of his claim but adduced no oral evidence. He neither examined himself as a witness nor filed his affidavit. On the other hand the management filed affidavit of Smt. Jyoti Virmani A.O. of the management-respondent. The workman also did not appear to cross-examine the witness Smt. Jyoti Virmani of Management.

5. Heard A/R of the Management and also persued the file in absence of the workman.

6. Admittedly the workman was appointed for a fixed period of 85 days only although thereafter it was extended for 34 days more and thus according to his own claim he had worked for total period of 119 days only. Therefore, his alleged termination does not come within the perview of retrenchment and provisions of Section 25-F of I.D. Act can not be attracted in his case as admittedly he had worked for 119 days only in all. Therefore, I find no force in his claim. Hence the action of the management cannot be held to be illegal or unjustified. The workman is entitled to no relief. His case is liable to be dismissed. The award is given accordingly.

B.N. PANDEY, Presiding Officer

Dated : 3-2-2004

नई दिल्ली, 6 फरवरी, 2004

का. आ. 504.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट (संदर्भ संख्या 95/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-2-2004 को प्राप्त हुआ था।

[सं. एल. 42012/114/96-आई. आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 6th February, 2004

S.O. 504.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 95/114) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman which was received by the Central Government on 06-02-2004.

[No. L-42012/114/96-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
NEW DELHI (LOK ADALAT)

Presiding Officer :

SHRI B. N. PANDEY

LD. No. 95/97

Shri Dular Chand,
S/o Shri Bali Majhi,
Chowkidar, Office of Executive Engineer
'B' Division, C.P.W.D.
I.P. Bhawan, New Delhi
through The Secretary, C.P.W.D.
Karamchari Union, Plot No. 1,
Aram Bagh, Near Udaseen Mandir,
Paharganj New DelhiWorkman

Versus

The Executive Engineer,
C.P.W.D., 'B' Division,
I.P. Bhawan, New Delhi

....Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/114/96-IR (DU) dated 25 June, 1997 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of the C.P.W.D. i.e. Executive Engineer, 'B' Division, CPWD, New Delhi in awarding the punishment of reducing the pay of Shri Dular Chand, Chowkidar by one stage from basic pay Rs. 1025/- per month to basic pay Rs. 1011/- per month in the pay scale of Rs. 775-12-955-EB-14-1025 for the period of 3 years w.e.f. 1-9-95 is just and fair? If not, to what relief the concerned workman is entitled?”

2. The workman filed his statement of claim challenging legality of awarding him punishment of reducing his pay by one stage from his basic pay for the period of three years w.e.f. 1-9-95 by the management/respondent. His claim was disputed by the management of CPWD/respondent by way of filing written statement.

3. The matter was taken up in the Lok Adalat. The parties came to terms and ultimately the matter was settled amicably. Accordingly the workman filed an application today in the Lok Adalat alleging that the management/respondent has given him his disputed increment and now there is nothing in the matter. Hence he prayed for withdrawal of his petition. The application was not opposed by A/R of the Management. Hence the application is allowed. The workman has withdrawn his claim. Accordingly 'No Dispute Award' is hereby given.

B. N. PANDEY, Presiding Officer

नई दिल्ली, 16 फरवरी, 2004

का. आ. 505 —केन्द्रीय सरकार, सिनेमा कर्मकार कल्याण निधि अधिनियम, 1981 (1981 की धारा 9) के अनुसरण में उपायद्ध अनुसूची I और अनुसूची II के अनुसार वर्ष 2002-2003 के लिए उक्त अधिनियम के अधीन लेखाओं का विवरण और वित्त क्रियाकलापों की रिपोर्ट को प्रकाशित करती है।

अनुसूची - I

वर्ष 2002-2003 के लिए सिनेमा कर्मकार कल्याण निधि का लेखा विवरण

आय :

तारीख 1-4-2002 को आरंभिक अतिशेष	1.21 करोड़
वर्ष 2002-2003 के दौरान अन्तरित उपकर	0.85 करोड़
कुल आय	2.06 करोड़

व्यय :

मुख्य शीर्ष - 2230

01.110—सिनेमा कर्मकार कल्याण निधि

01.110.02--प्रशासन

लेखा शीर्ष	एकक	रकम (रुपए हजार में)
02.00.11	देशी यात्रा भत्ता	9
02.00.13	कार्यालय व्यय	61
02.00.50	अन्य प्रभार	20
योग :		90

01.110 सिनेमा कर्मकार कल्याण निधि**01.110.01-स्वास्थ्य**

लेखा शीर्ष	एकक	रकम (रुपए हजार में)
01.00.01	वेतन	1599
01.00.02	मजदूरी	4
01.00.11	देशी यात्रा भत्ता	50
01.00.13	कार्यालय व्यय	203
01.00.14	किराया दर और कर	44
01.00.21	सामग्री और प्रदाय	652
01.00.50	अन्य प्रभार	379
योग :		2931

01.110 सिनेमा कर्मकार कल्याण निधि**01.110.03-शिक्षा**

लेखा शीर्ष	एकक	रकम (रुपए हजार में)
03.00.34	छात्र वृत्ति और वृत्तिका	2316
03.00.50	अन्य प्रभार	100
योग :		2416
सकल योग (सिनेमा कर्मकार कल्याण निधि)		5437
		(रुपए में)

कुल आय	2.06 करोड़
कुल व्यय	0.54 करोड़
तारीख 1-4-2003 को निधि के अधीन आरक्षित निधि	1.52 करोड़

अनुसूची - II

वर्ष 2002-2003 के दौरान कर्मकार कल्याण निधि के अधीन वित्त पोषित क्रियाकलाप

क्रम.सं.	क्रियाकलाप का नाम	एकक
क-स्वास्थ्य		
1.	स्थिर-सहचल/स्थिर एलोपैथिक और स्थिर आयुर्वेदिक औषधालय	3
2.	औषधालय में उपचारित रोगी	45258
3.	हृदय रोग की बाबत सिनेमा कर्मकारों का उपचार	5

ख-सामाजिक सुरक्षा

4.	समूह सीमा स्कीम	*
----	-----------------	---

ग-शिक्षा

5.	सिनेमा कर्मकारों के विद्यालय जाने वाले बालकों को छात्रवृत्ति तथा अन्य आर्थिक सहायता प्रदान करना	1744
----	---	------

* सिनेमा कर्मकारों के सभी पहचान पत्र धारक इसके अंतर्गत आएंगे।

[फा. सं. एस.-51025/01/2003-डब्ल्यू-II]

मनोहर लाल, महानिदेशक (श्रम कल्याण)/संयुक्त सचिव

New Delhi, the 16th February, 2004

S. O. 505.—In pursuance of Section 9 of the Cine Workers Welfare Fund Act, 1981, the Central Government hereby publishes the statement of accounts

and the report of the activities financed under the said Act, for the year 2002-2003 as per Schedule-I and Schedule-II, respectively.

SCHEDULE - I**STATEMENT OF ACCOUNTS OF CINE WORKERS WELFARE FUND FOR THE YEAR 2002-2003****INCOME:**

Opening Balance as on 01-04-2002	1.21 Crores
Cess Transferred during the year 2002-2003	0.85 Crores
TOTAL INCOME	2.06 Crores

EXPENDITURE:

Major Head-2230

01.110. Cine Workers Welfare Fund

01.110.02.-Administration

Head of Account	Units	Amount (Rs. in thousand)
02.00.11	Domestic Travelling Allowances	9
02.00.13	Office Expenses	61
02.00.50	Other Charges	20
Total		90

01.110. Cine Workers Welfare Fund
01.110.01-Health

Head of Account	Units	Amount (Rs. in thousand)
01.00.01	Salaries	1599
01.00.02	Wages	4
01.00.11	Domestic Travelling	50
01.00.13	Office Expenses	203
01.00.14	Rent Rates and Taxes	44
01.00.21	Material and Supply	652
01.00.50	Other Charges	379
Total		2931

01.110. Cine Workers Welfare Fund
01.110.03-Education

Head of Account	Units	Amount (Rs. in thousand)
03.00.34	Scholarship and Stipend	2316
03.00.50	Other Charges	100
Total		2416

GRAND TOTAL
(Cine Workers Welfare Fund) **5437**

TOTAL INCOME	2.06 Crores
TOTAL EXPENDITURE	0.54 Crores
Reserve Fund	1.52 Crores
Under Cine Workers Welfare Fund	
As on 01-04-2003	

SCHEDULE - II

Activities Financed Under the Cine Workers Welfare Fund During the Year 2002-2003

Sl. No.	Name of the Activity	Units
A. HEALTH:		
1.	Static-cum-Mobile/Static Allopathic and Static Ayurvedic Dispensaries.	3
2.	Patients treated in dispensaries.	45258
3.	Treatment of Cine Workers in respect of Heart Diseases.	5
B. SOCIAL SECURITY:		
4.	Group Insurance Scheme.	*
C. EDUCATION:		
5.	Award of Scholarship and other financial assistance to the school going children of Cine Workers	1744

*All Identity Card holders of cine workers are covered.

[F. No. S-51025/01/2003-W.II]

MANOHAR LAL, Director General/(Labour Welfare)/Jt. Secy.

नई दिल्ली, 16 फरवरी, 2004

का. अ. 506 .—केन्द्रीय सरकार, लौह अयस्क खान, मैग्नीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि अधिनियम, 1976 (1976 की धारा 61) की धारा 10 के अनुसरण में उपाबद्ध अनुसूची I और अनुसूची II के अनुसार वर्ष 2002-2003 वर्ष के लिए उक्त अधिनियम के अधीन लेखाओं का विवरण और वित्त क्रियाकलापों की रिपोर्ट को प्रकाशित करती है।

अनुसूची I

लौह अयस्क खान, मैग्नीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि के लेखाओं का विवरण

आय:

1-4-2002 को आरंभिक अतिशेष	115.87 करोड़
वर्ष 2002-2003 के दौरान स्थानांतरित उपकर	15.08 करोड़
कुल आय	130.95 करोड़

व्यय:

मुख्य शीर्ष - 2230

01.106—लौह अयस्क, खान मैग्नीज अयस्क और क्रोम अयस्क खान श्रम कल्याण निधि

01.106—प्रशासन

लेखा का शीर्ष	इकाई	रकम (रुपए हजार में)
01.00.01	वेतन	8159
01.00.02	मजदूरी	67
01.00.03	अतिकाल भत्ता	30
01.00.11	घरेलू यात्रा व्यय	322
01.00.13	कार्यालय व्यय	1711
01.00.14	किराया दर और कर	326
01.00.16	प्रकाशन	0
01.00.27	गौण कार्य	111
01.00.28	वृत्तिक सेवाएं	6
01.00.50	अन्य भार	5
कुल :		10737

01.106 लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम खान
श्रम कल्याण निधि

01.106.02—स्वास्थ्य

लेखा का शीर्ष	इकाई	रकम (रुपए हजार में)
02.00.01	वेतन	32579
02.00.02	मजदूरी	323
02.00.03	अतिकाल भत्ता	4
02.00.11	घरेलू यात्रा व्यय	425
02.00.13	कार्यालय व्यय	2648
02.00.14	किराया, दर और कर	712
02.00.16	प्रकाशन	11
02.00.21	सामग्री और पूर्ति	2575
02.00.26	विज्ञापन और प्रचार	2
02.00.27	गौण कार्य	181
02.00.28	वृत्तिक सेवाएं	0
02.00.31	सहायता अनुदान	6388
02.00.50	अन्य भार	564
02.00.51	मोटर यान	571
02.00.52	यंत्र और उपस्कर	49
कुल :		47032

01.106 लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम खान
श्रम कल्याण निधि

01.106.04 शिक्षा

लेखा का शीर्ष	इकाई	रकम (रुपए हजार में)
04.00.01	वेतन	4931
04.00.02	मजदूरी	1
04.00.11	घरेलू यात्रा व्यय	53
04.00.13	कार्यालय व्यय	248
04.00.14	किराया, दर और कर	4
04.00.21	सामग्री और पूर्ति	80
04.00.31	सहायता अनुदान	460
04.00.34	छात्रवृत्ति और वृत्तिका	9409
04.00.50	अन्य भार	2049
कुल :		17235

01.106 लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम खान
श्रम कल्याण निधि 01.106.05 मनोरंजन

लेखा का शीर्ष	एकक	रकम (रुपए हजार में)
05.00.01	वेतन	779
05.00.11	घरेलू यात्रा व्यय	21
05.00.14	किराया, दर और कर	36
05.00.21	सामग्री और पूर्ति	10
05.00.27	गौण कार्य	28
05.00.31	सहायता अनुदान	30
05.00.50	अन्य भार	445
05.00.13	अन्य व्यय	2
05.00.51	मोटर यान	69
कुल :		1420

01.106 लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम खान
श्रम कल्याण निधि 01.106.03 आवास

लेखा का शीर्ष	इकाई	रकम (रुपए हजार में)
1	2	3
03.01.01	वेतन	367
03.01.11	घरेलू यात्रा व्यय	43
03.02.31	कम लागत के आवास	216

1	2	3
03.03.31	अपना मकान स्वयं बनाएं स्कीम	2093
	कुल आवास	2719
	01.106.06 जलापूर्ति	
06.00.31	जलापूर्ति—सहायता अनुदान	427
	कुल योग	79570

	01.4.2003 को
कुल आय	130.95 करोड़
कुल व्यय	7.96 करोड़

लौह अयस्क खान, मैग्नीज अयस्क खान और क्रोम खान
श्रम कल्याण निधि के अधीन
आरक्षित निधि

अनुसूची-II

वर्ष 2002-2003 के दौरान लौह अयस्क खान, मैग्नीज अयस्क खान और क्रोम खान श्रम कल्याण निधि के अधीन वित्त क्रियाकलाप

क्रम सं.	क्रियाकलाप का नाम	इकाई
1	2	3

क. स्वास्थ्य

1.	स्थिर-सह-चलित/स्थिर एलोपैथिक और स्थिर आयुर्वेदिक औषधालय	22
2.	लौह अयस्क खान, मैग्नीज अयस्क खान और क्रोम अयस्क खान कर्मचारियों के लिए अस्पताल	5
3.	अस्पताल/औषधालय में उपचार किए गए रोगी	543673
4.	कैंसर से पीड़ित लौह अयस्क खान, मैग्नीज अयस्क खान और अयस्क खान कर्मचारियों का उपचार	2

5.	घातक दुर्घटनाओं और मृत्यु के मामले	1
6.	टी.बी. अस्पताल में अधिभोगी बिस्तर	5987
7.	औषधालय में संदत्त सहायता अनुदान	30

ख. आवास

8.	अपना मकान स्वयं बनाएं स्कीम, समूह आवास स्कीम, टाइप-I और II आवास स्कीम के अधीन मंजूर किए गए मकानों की संख्या	21
----	---	----

ग. शिक्षा

9.	लौह अयस्क खान, मैग्नीज अयस्क खान और क्रोम खान कर्मचारियों के विद्यालय जाने वाले	9166
----	---	------

1	2	3
	बालकों को छात्रवृत्ति और अन्य वित्तीय सहायता प्रदान करना	
10.	गणवेश/पाठ्यपुस्तकों की पूर्ति	5555
11.	विद्यालय—बस के लिए अनुदान	1
	घ. मनोरंजन	
12.	लौह अयस्क खान, मैग्नीज अयस्क खान और क्रोम अयस्क खान के कर्मचारियों को दृश्य श्रव्य सेट/सिनेमा बैनों के माध्यम से फिल्मों का प्रदर्शन	21
13.	लौह अयस्क खान, मैग्नीज अयस्क खान और क्रोम खान श्रम कल्याण निधि के कर्मचारियों के लिए खेल, क्रीड़ा, सामाजिक और सांस्कृतिक कार्यक्रमों का आयोजन करना	19
14.	कर्मचारियों का छुट्टी गृहों में घूमना	1279
15.	कर्मचारियों के लिए टेलीविजन क्रेट का दिया जाना	4
	ड जलापूर्ति	
16.	बड़ी खानों की सहायता।	2

[फ. सं. एस-23025/1/2003-डब्ल्यू-II]

मनोहर लाल, महानिदेशक (श्रम कल्याण)/संयुक्त सचिव

New Delhi, the 16th February, 2004

S. O. 506.—In pursuance of Section 10 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976), the Central Government hereby publishes the statement of accounts and the report of the activities financed under the said Act, for the year 2002-2003 as per Schedule-I and Schedule-II, respectively.

SCHEDULE-I

STATEMENT OF ACCOUNTS OF IRON ORE, MANGANESE ORE AND CHROME ORE LABOUR WELFARE FUND FOR THE YEAR 2002-2003

INCOME:

Opening Balance as on 01-04-2002	115.87 Crores
Cess Transferred during the year 2002-2003	15.08 Crores

TOTAL INCOME 130.95 Crores

EXPENDITURE:

Major Head-2230

01.106. Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund

01.106.01—Administration

Head of Account	Units	Amount (Rs. in thousand)
01.00.01	Salaries	8159
01.00.02	Wages	67
01.00.03	Over Time Allowances	30
01.00.11	Domestic Travelling Expenses	322
01.00.13	Office Expenses	1711
01.00.14	Rents, Rates and Taxes	326
01.00.16	Publication	0
01.00.27	Minor Work	111
01.00.28	Professional Services	6
01.00.50	Other Charges	5
Total		10737

01.106. Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund

01.106.02—Health

Head of Account	Units	Amount (Rs. in thousand)
02.00.01	Salaries	32579
02.00.02	Wages	323
02.00.03	Over Time Allowances	4
02.00.11	Domestic Travelling Expenses	425
02.00.13	Office Expenses	2648
02.00.14	Rent Rates and Taxes	712
02.00.16	Publication	11
02.00.21	Material and Supply	2575
02.00.26	Advertisement and Publicity	2
02.00.27	Minor Work	181
02.00.28	Professional Services	0
02.00.31	Grants-in-aid	6388
02.00.50	Other Charges	564
02.00.51	Motor Vehicle	571
02.00.52	Mach. And Equipment	49
Total		47032

01.106. Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund

01.106.04—Education

Head of Account	Units	Amount (Rs. in thousand)
04.00.01	Salaries	4931
04.00.02	Wages	1
04.00.11	Domestic Travelling Expenses	53
04.00.13	Office Expenses	248
04.00.14	Rents, Rates and Taxes	4
04.00.21	Material and Supply	80
04.00.31	Grants-in-aid	460
04.00.34	Scholarship and Stipend	9409
04.00.50	Other Charges	2049
Total		17235

1.106. Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund

01.106.05—Recreation

Head of Account	Units	Amount (Rs. in thousand)
05.00.01	Salaries	779
05.00.11	Domestic Travelling Expenses	21
05.00.14	Rents, Rates and Taxes	36
05.00.21	Material and Supply	10
05.00.27	Minor Work	28
05.00.31	Grants-in-aid	30
05.00.50	Other Charges	445
05.00.13	Office Expenses	2
05.00.51	Motor Vehicle	69
Total		1420

1.106. Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund

01.106.03—Housing

Head of Account	Units	Amount (Rs. in thousand)
03.01.01	Salaries	367
03.01.11	Domestic Travelling Expenses	43
03.02.31	Low Cost Housing	216
03.03.31	Build Your Own House Scheme	2093
Total Housing		2719

01.106.06—Water Supply

Head of Account	Units	Amount (Rs. in thousand)
06.00.31	Water Supply-Grant-In-Aid	427
Grand Total		79570
Total Income		130.95 Crores
Total Expenditure		7.96 Crores
Reserve fund under Iron Ore Mines, Manganese Ore Mines & Chrome Ore Mines Labour Welfare Fund		122.99 Crores
As on 01-4-2003		

SCHEDULE-II

ACTIVITIES FINANCED UNDER THE IRON ORE MINES, MANGANESE ORE MINES AND CHROME ORE MINES LABOUR WELFARE FUND DURING THE YEAR 2002-2003

S.No.	Name of the Activity	Units
1	2	3
A. HEALTH:		
1.	Static-cum-Mobile/Static Allopathic and Static Ayurvedic Dispensaries.	22
2.	Hospitals for the Iron Ore mines, Manganese Ore Mines and Chrome Ore Mines workers.	5
3.	Number of patients treated in dispensaries/hospitals	543673
4.	Treatment of Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Workers suffering from Cancer.	2
5.	Cases of fatal accidents and death	1
6.	Bed occupancy in T.B. Hospital	5987
7.	Dispensaries paid grants-in-aid	30
B. HOUSING:		
8.	Number of houses sanctioned under Build Your Own House Schemes, Group Housing Scheme, Type-I & II Housing Scheme	21
C. EDUCATION:		
9.	Award of Scholarship and other financial assistance to the school going children of Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Workers	9166
10.	Supply of uniform/text books	5555
11.	Grant for school bus	1

1	2	3
D. RECREATION:		
12.	Exhibition of films for Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines workers through Audio-visual Sets/Cinema Vans	21
13.	Organising sports, games, social and cultural activities for Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Workers.	19
14.	Workers visiting holiday homes	1279
15.	Television set provided for workers	1
E. WATER SUPPLY:		
16.	Assistance to big mines	2

[F.No. S-23025/1/2003-W.III]

MANOHAR LAL, Director General
(Labour Welfare)/Jt. Secy.

नई दिल्ली, 16 फरवरी, 2004

का. आ. 507.—केन्द्रीय सरकार, चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि अधिनियम, 1972 (1972 का 62) की धारा 10 के अनुसरण में, उक्त अधिनियम के अधीन वर्ष 2002-2003 के लिए वित्तपोषित क्रियाकलापों का लेखा-विवरण और उनकी रिपोर्ट, जैसा कि इसके साथ उपाबद्ध क्रमशः अनुसूची-1 और अनुसूची 2 में दी गई है, प्रकाशित करती है:—

अनुसूची-I

वर्ष 2002-2003 के लिए चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि का लेखा-विवरण

आय :

तारीख 1-4-2002 को आरंभिक अतिशेष	21.14 करोड़
वर्ष 2002-2003 के दौरान अन्तरित उपकर	10.13 करोड़
कुल आय	31.27 करोड़

व्यय :

मुख्य शीर्ष - 2230

01.107—चूना-पत्थर और डोलोमाइट श्रम कल्याण निधि

01.107.01—प्रशासन

लेखा शीर्ष	एकक	रकम (रुपए हजार में)
1	2	3
01.00.01	वेतन	7598
01.00.02	मजदूरी	60
01.00.03	अतिकालिक भत्ता	29

1	2	3
01.00.11	घरेलू यात्रा खर्च	384
01.00.13	कार्यालय खर्च	1836
01.00.14	किराया, रेंट और कर	329
01.00.16	प्रकाशन	19
01.00.27	लघु कार्य	62
01.00.51	मोटर यान	343
01.00.28	वृत्तिक सेवाएं	190
01.00.50	अन्य प्रभार	1

योग : 10851

01.107 चूना-पत्थर और डोलोमाइट श्रम कल्याण निधि

01.107.02-स्वास्थ्य

लेखा शीर्ष	एकक	रकम (रुपए हजार में)
02.00.01	वेतन	20002
02.00.02	मजदूरी	333
02.00.03	अतिकालिक भत्ता	1
02.00.11	घरेलू यात्रा खर्च	479
02.00.13	कार्यालय खर्च	939
02.00.14	किराया, रेंट और कर	290
02.00.21	सामग्री और प्रदाय	3152
02.00.27	लघु कार्य	185
02.00.31	सहायता अनुदान	6464
02.00.50	अन्य प्रभार	315
02.00.51	मोटर यान	774
02.00.52	मशीनरी और उपस्कर	12

योग : 32946

01.107 चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि

01.107.05 शिक्षा

लेखा शीर्ष	एकक	रकम (रुपये हजार में)
1	2	3
05.00.01	वेतन	129
05.00.11	घरेलू यात्रा खर्च	2
05.00.13	सामग्री और प्रदाय	742
05.00.14	लघु कार्य	0

1	2	3
05.00.21	वृत्तिक सेवा	0
05.00.31	सहायता अनुदान	307
05.00.34	छात्रवृत्ति और वृत्तिका	7512
05.00.50	अन्य प्रभार	691

योग : 9383

01.107 चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि

01.107.03 आभोद-प्रमोद

लेखा शीर्ष	एकक	रकम (रुपये हजार में)
03.01.01	वेतन	2012
03.00.02	मजदूरी	3
03.00.03	अतिकालिक भत्ता	8
03.00.11	घरेलू यात्रा खर्च	92
03.00.13	कार्यालय खर्च	109
03.00.14	किराया, रेंट और कर	112
03.00.21	सामग्री और प्रदाय	13
03.00.27	लघु कार्य	77
03.00.31	सहायता अनुदान	109
03.00.50	अन्य प्रभार	182

योग : 2717

01.107—चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि

01.107.04—आवासन

लेखा शीर्ष	एकक	रकम (रुपए हजार में)
04.01.01	वेतन	533
04.02.31	कम कीमत के आवासन	760
04.03.31	अपना स्वयं का भवन	2857
	निर्माण योजना-सहायता अनुदान	

योग (आवास) 4150

01.107—चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि

01.107.06 जल प्रदाय

लेखा शीर्ष	एकक	रकम (रुपए हजार में)
1	2	3
06.00.31	जल प्रदाय—सहायता अनुदान	2202

1	2	3
	सकल योग	62249
	कुल आय	31.27 करोड़
	कुल व्यय	6.23 करोड़
तारीख 01.04.2003 की निधि के		25.04 करोड़
अधीन आरक्षित निधि		

अनुसूची-2

वर्ष 2002-2003 के दौरान चूना-पत्थर और डोलोमाइट खान श्रम कल्याण निधि के अधीन वित्त पोषित क्रिया-कलाप :-

क्रम सं.	क्रियाकलाप का नाम	एकक
1	2	3
क. स्वास्थ्य :		
1.	स्थिर-सह-चल/स्थिर एलोपैथिक और आयुर्वेदिक औषधालय	34
2.	चूना-पत्थर और डोलोमाइट खान कर्मचारियों के लिए अस्पताल	1
3.	औषधालयों/अस्पतालों में उपचारित रोगी	384167
4.	क्षयरोग, कैंसर, कुष्ठरोग, प्रसूति कायदा योजना और बन्धाकरण से पीड़ित चूना-पत्थर और डोलोमाइट खान कर्मचारियों का आवासीय उपचार	18
5.	एम्बुलैन्स वैन का उपापन	2
ख. आवास :		
6.	अपना स्वयं का गृह निर्माण, आवासन समूह योजना टाइप-I और II आवासन योजना के अधीन मंजूर किए गए आवासों की संख्या—	180
ग. शिक्षा :		
7.	चूना-पत्थर और डोलोमाइट खान कर्मचारियों के स्कूल जाने वाले बच्चों को छात्रावृत्ति तथा अन्य आर्थिक सहायता प्रदान करना	5979
8.	वर्दी/पाठ्य पुस्तकों का प्रदाय	5496
9.	स्कूल बस के लिए अनुदान	1
10.	पुस्तकालयों के लिए अनुदान	2
घ. आमोद प्रमोद :		
11.	चूना-पत्थर और डोलोमाइट खान कर्मचारियों के लिए दृश्य श्रव्य सेटों/सिनेमा वैनों के माध्यम से फिल्मों का प्रदर्शन	86
12.	चूना-पत्थर और डोलोमाइट खान कर्मचारियों के लिए क्रीड़ा, खेल, सामाजिक और सांस्कृतिक क्रिया-कलापों का आयोजन करना	37

इ जल प्रदाय :

13. बड़ी खानों को सहायता 3

[फा. सं. एस-50025/03/2003-डब्ल्यू-II]

मनोहर लाल, महानिदेशक (श्रम कल्याण)/संयुक्त सचिव

New Delhi, the 16th February, 2004

S. O. 507.—In pursuance of Section 10 of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (62 of 1972), the Central Government hereby publishes the statement of accounts and the report of the activities financed under the said Act, for the year 2002-2003 as per Schedule-I and Schedule-II, respectively, annexed hereto :—

SCHEDULE-I

STATEMENT OF ACCOUNTS OF LIMESTONE AND DOLOMITE MINES LABOUR WELFARE FUND FOR THE YEAR 2002-2003

INCOME:

Opening Balance as on 01-04-2002 21.14 Crores

Cess Transferred during the year 2002-2003 10.13 Crores

TOTAL INCOME 31.27 Crores

EXPENDITURE:

Major Head-2230

01.107. Limestone and Dolomite Mines Labour Welfare Fund

01.107.01—Administration

Head of Account	Units	Amount (Rs. in thousands)
01.00.01	Salaries	7598
01.00.02	Wages	60
01.00.03	Over Time Allowances	29
01.00.11	Domestic Travelling Expenses	384
01.00.13	Office Expenses	1836
01.00.14	Rents, Rates and Taxes	329
01.00.16	Publication	19
01.00.27	Minor Work	62
01.00.51	Motor Vehicles	343
01.00.28	Professional Services	190
01.00.50	Other Charges	1
Total		10851

01.107. Limestone and Dolomite Mines Labour Welfare Fund

01.107.02—Health

Head of Account	Units	Amount (Rs. in thousands)
02.00.01	Salaries	20002
02.00.02	Wages	333
02.00.03	Over Time Allowances	1
02.00.11	Domestic Travelling Expenses	479
02.00.13	Office Expenses	939
02.00.14	Rents, Rates and Taxes	290
02.00.21	Material and Supply	3152
02.00.27	Minor Work	185
02.00.31	Grants-in-aid	6464
02.00.50	Other Charges	315
02.00.51	Motor Vehicle	774
02.00.52	Machinery and Equipment	12
Total		32946

01.107. Limestone and Dolomite Mines Labour Welfare Fund

01.107.05—Education

Head of Account	Units	Amount (Rs. in thousands)
05.00.01	Salaries	129
05.00.11	Domestic Travelling Expenses	2
05.00.13	Material and Supply	742
05.00.14	Minor Work	0
05.00.21	Professional Services	0
05.00.31	Grants-in-aid	307
05.00.34	Scholarship and Stipend	7512
05.00.50	Other Charges	691
Total		9383

01.107. Limestone and Dolomite Mines Labour Welfare Fund

01.107.03—Recreation

Head of Account	Units	Amount (Rs. in thousands)
1	2	3
03.00.01	Salaries	2012
03.00.02	Wages	3
03.00.03	Over time Allowances	8

1	2	3
03.00.11	Domestic Travelling Expenses	92
03.00.13	Office Expenses	109
03.00.14	Rent, Rates and Taxes	112
03.00.21	Material and Supply	13
03.00.27	Minor Work	77
03.00.31	Grants-in-aid	109
03.00.50	Other Charges	182
Total		2717

01.107. Limestone and Dolomite Mines Labour Welfare Fund

01.107.04—Housing

Head of	Units	Amount (Rs. in thousands)
04.01.01	Salaries	533
04.02.31	Low Cost Housing	760
04.03.31	Build Your Own House Scheme— Grants-in-Aid	2857
Total (Housing)		4150

01.107. Limestone and Dolomite Mines Labour Welfare Fund

01.107.06—Water Supply

Head of Account	Units	Amount (Rs. in thousands)
06.00.31	Water Supply—Grants-In-Aid	2202
Grand Total		62249

Total Income 31.27 Crores

Total Expenditure 6.23 Crores

Reserve fund under the fund 25.04 Crores

As on 01-4-2003

SCHEDULE-II

ACTIVITIES FINANCED UNDER THE LIMESTONE AND DOLOMITE MINES LABOUR WELFARE FUND DURING THE YEAR 2002-2003

S.No.	Name of the Activity	Units
A. HEALTH:		
1.	Static-cum-Mobile/Static Allopathic and Static Ayurvedic Dispensaries.	34
2.	Hospitals for the Limestone and Dolomite Mines workers.	1

3. Patients treated in Dispensaries/Hospitals 384167
4. Domiciliary Treatment of Limestone and Dolomite Mines Workers suffering from Tuberculosis, Cancer, Leprosy, Maternity Benefit and Sterilisation 18
5. Procurment of ambulance van 2

B. HOUSING:

6. Number of houses sanctioned under Build Your Own House Schemes, Group Housing Scheme, Type-I & II Housing Scheme 180

C. EDUCATION:

7. Award of Scholarship and other financial assistance to the school going children of Limestone and Dolomite Mines Workers 5979
8. Supply of uniform/text books 5496
9. Grant for school bus 1
10. Grant for libraries 2

D. RECREATION:

11. Exhibition of films for Limestone and Dolomite Mines Workers through Audio-visual Sets/Cinema Vans 86
12. Organising sports, games, social and cultural activities for Limestone and Dolomite Mines Workers. 37

E. WATER SUPPLY:

13. Assistance to big mines 3

[F.No. S-50025/3/2003-W.II]

MANOHAR LAL, Director General/ (Labour Welfare) Jt. Secy.

नई दिल्ली, 16 फरवरी, 2004

का. आ. 508.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 मार्च, 2004 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“विशाखापटनम जिले के गाजुवाका मंडल में स्थित दुब्बाडा और अगनमपूडी राजस्व गाँव”।

[सं. एस-38013/07/2004-एस. एस.-I]

के. सी. जैन, निदेशक

New Delhi, the 16th February, 2004

S. O. 508.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh (A.P.) namely :—

“The areas falling within the Revenue Villages of Duvvada and Agnampudi of Gujuwaka Mandal in Visakhapatnam District”.

[No. S-38013/07/2004-SS.I]

K. C. JAIN, Director

नई दिल्ली, 17 फरवरी, 2004

का. आ. 509.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उप-खंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 2425 दिनांक 14-8-2003 द्वारा नाभिकीय ईंधन और संघटक, भारी पानी और रसायन तथा आणविक ऊर्जा जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 28 में शामिल हैं, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 26-8-2003 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 26-2-2004 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/3/97-आई.आर. (पी.एस.)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 17th February, 2004

S. O. 509.—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 2425 dated 14-8-2003 the services in the Industrial Establishment manufacturing or Producing Nuclear Fuel and Components, Heavy Water and Allied Chemicals and Atomic Energy which is covered by item 28 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947)

Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 26th August, 2003.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 26th February, 2004.

[F. No. S-11017/3/97-IR(PL)]

J. P. PATI, Jt. Secy.

शुद्धिपत्र

नई दिल्ली, 17 फरवरी, 2004

का.आ. 510.—भारत के राजपत्र का.आ. संख्या 1445(अ), दिनांक 19-12-2003 में प्रकाशित इस मंत्रालय की दिनांक 19-12-2003 की अधिसूचना संख्या V-20012/1/2001-सा.सु.-II में शब्द "श्री शरद पाटिल, महासचिव, भारतीय कामगार संघ" जहां भी प्रयुक्त हो, के स्थान पर "श्री शरद एस. पाटिल, महासचिव, भारतीय कामगार संघ" प्रतिस्थापित किया जाएगा।

[फा. सं. वी-20012/1/2001-सा.सु.-II]

संयुक्ता राय, अवर सचिव

CORRIGENDUM

New Delhi, the 17th February, 2004

S. O. 510.—In the notification of this Ministry No. V-20012/1/2001-SS.II dated 19-12-03 published in the Gazette of India having S.O. No. 1445(E) dated 19-12-2003 the words "Shri Sharad Patil, Secretary General, Employees' Federation of India" wherever they occur shall be substituted by "Shri Sharad S. Patil, Secretary General, Employers' Federation of India".

[F. No. V-20012/1/2001-SS.II]

SANJUKTA RAY, Under Secy.

नई दिल्ली, 19 फरवरी, 2004

का.आ. 511.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि भारत सरकार टकसाल कोलकाता, नॉएडा, मुम्बई, हैदराबाद एवं चेरलापल्ली (रंगा रेड्डी) में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 11 के अंतर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उप-खंड (6) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग के प्रयोजनों के लिए तत्काल प्रभाव से छः माह के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/2/2002-आई.आर.(पी.एल.)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 19th February, 2004

S. O. 511.—Whereas the Central Government is satisfied that the public interest required that the services in the India Government Minsts, Kolkata, Noida, Mumbai, Hyderabad, Chertlapalli (Ranga Reddy) which is covered by item 11 of the First schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[F. No. S-11017/2/2002-IR(PL)]

J. P. PATI, Jt. Secy.

(उत्प्रवास प्रभाग)

नई दिल्ली, 23 फरवरी, 2004

का.आ. 512.—केन्द्रीय सरकार (1983 का 31) की धारा 3 की उप-धारा 3 के अन्तर्गत प्रयोग करते हुए श्रम मंत्रालय में केन्द्रीय उत्प्रवास संरक्षी-II के रूप में नियुक्त करती है।

[फा. सं. एस-13011/1/2003-उत्प्रवास]

अशोली चलाई, अवर सचिव

MINISTRY OF LABOUR

(Emigration Division)

New Delhi, the 23rd February, 2004

S. O. 512.—In exercise of the powers conferred by Section 3, Sub-section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri J. P. Meena, Section Officer of the CSS cadre of Ministry of labour, as Protector of Emigrants-II, Hyderabad with effect from 31st January, 2004 (Forenoon).

[F. No. S-13011/1/2003-Emig.]

ASHOLI CHALAI, Under Secy.